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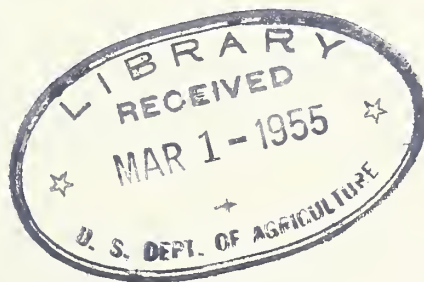


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LEGISLATIVE HISTORY
OF THE
WATERSHED PROTECTION AND FLOOD PREVENTION ACT
(Public Law 566, 83d Congress)



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Preface

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This legislative history of the Watershed Protection and Flood Prevention Act has been compiled from the legislative documents and material hereinafter listed. It consists of quotations from such documents and material.

Under the plan which has been followed the Act is divided, when and as required, into its sections, subsections, provisos and clauses. With the exceptions noted in the following paragraph, these are then considered under three headings, namely, House, Senate, and Conference Report. The House and Senate headings are in turn separated into the subheadings of Bills, Hearings, Committee Report, and Debate. The Conference Report heading is divided into the Report itself, Agreement thereto by the House, and Agreement thereto by the Senate. The House heading includes an additional subheading entitled "Extension of remarks by Mr. Hope in explanation of the Act." These remarks were made by Mr. Hope after both the House and the Senate had agreed to the conference report.

In many instances the record, with respect to material which would fall under a given heading or subheading, is silent or the available material is not of sufficient value to warrant quotation. Also, certain provisions of the bills are identical with the corresponding provisions of the Act. In these cases the headings, subheadings, or parts thereof have been omitted.

Footnotes have been used to denote certain provisions of the Act which were added or amended by the conference committee, and to point out provisions which appeared in certain bills but which were omitted from the Act.

The starting point selected for this legislative history is August 1, 1953, which is the date on which the bill H. R. 6788 was introduced by Mr. Hope. Hearings by a subcommittee of the House Committee on Agriculture relating to the prevention of agricultural flood damages were held in 1951, and several bills dealing primarily with flood prevention were introduced in the House in 1952. However, it is not believed that detailed consideration of these preliminary steps in the development of the legislation would be worthwhile.

The documents and material from which this legislative history has been compiled are as follows:

1. Public Law 566 -- 83d Congress, Chapter 656 --
2d session, H. R. 6788.

2. Hearings

- a. Hearings before the Committee on Agriculture, House of Representatives, 83d Congress, 1st session, on Conservation and Watershed Programs, April 28 to May 11, 1953.
- b. Hearings before the Committee on Agriculture and Forestry, United States Senate, 83d Congress, 2d session, on S. 2549, Cooperative Soil Conservation and Flood Prevention Projects, January 14, 15 and February 15, 1954.

3. Bills

- H. R. 6788 - Mr. Hope - August 1, 1953
H. R. 6788 as amended by the House - March 11, 1954
S. 2549 - Mr. Aiken - August 1, 1953
S. 2549 - Committee Print - January 15, 1954
H. R. 6788 - Committee Print - May 22, 1954
H. R. 6788 as amended by the Senate Committee - June 18, 1954

4. Committee Reports

- a. House of Representatives Report No. 1140, 83d Congress, 2d session
 - b. Senate Report No. 1620, 83d Congress, 2d session
5. Conference Report - House of Representatives Report No. 2297, 83d Congress, 2d session
6. a. The material contained in the Congressional Record under the headings shown in the following chronology (Congressional Record Index for August 2 to August 15, 1954) of the legislative history of the Act:

H. R. 6788 -- To authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes.

Reported back (H. Rept. 1140), 1123

Made special order (H. Res. 454), 2947

Debated, amended, and passed House, 2953

Referred to Senate Committee on Agriculture and Forestry, 2976

Reported with amendment (S. Rept. 1620), 8042

Objected to, 8141
Amended and passed Senate, 8166
Senate insists on its amendment and asks for a conference, 9398
Conferees appointed, 9398
House disagrees to Senate amendment and agrees to a conference, 9441
Conferees appointed, 9441
Conference Report (No. 2297) submitted in Senate and agreed to, 10426
Conference report submitted in House, 10499
House agrees to conference report, 10838
Examined and signed, 10852, 10941
Presented to the President, 11386
Approved /Public Law 5667, 13025

- b. Mr. Hope's Extension of Remarks in Explanation of the Act, Congressional Record, July 28, 1954, page A-5491

AN ACT

To authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and that it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water and thereby of preserving and protecting the Nation's land and water resources.

SEC. 2. For the purposes of this Act, the following terms shall mean:
The "Secretary" -- the Secretary of Agriculture of the United States.

"Works of improvement" --- any undertaking for ---

(1) flood prevention (including structural and land-treatment measures) or

(2) agricultural phases of the conservation, development, utilization, and disposal of water

in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than five thousand acre-feet of total capacity. No appropriation shall be made for any plan for works of improvement which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives, respectively. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

"Local organization" --- any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement.

SEC. 3. In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations if such application has been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over programs provided for in this Act, or by the Governor if there is no State agency having such responsibility --

(1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;

(2) to make such studies as may be necessary for determining the physical and economic soundness of plans for works of improvement, including a determination as to whether benefits exceed costs;

(3) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations: Provided, That, for the land-treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;

(4) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section.

SEC. 4. The Secretary shall require as a condition to providing Federal assistance for the installation of works of improvement that local organizations shall ---

(1) acquire without cost to the Federal Government such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance;

(2) assume such proportionate share of the cost of installing any works of improvement involving Federal assistance as may be determined by the Secretary to be equitable in consideration of anticipated benefits from such improvements: Provided, That no part of the construction cost for providing any capacity in structures for purposes other than flood prevention and features related thereto shall be borne by the Federal Government under the provisions of this Act;

(3) make arrangements satisfactory to the Secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;

(4) acquire, or provide assurance that landowners have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement; and

(5) obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with Federal assistance.

SEC. 5. At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 4, the Secretary is authorized to assist such local organizations in developing specifications, in preparing contracts for construction, and to participate in the installation of such works of improvement in accordance with the plan: Provided, That, except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure unless there is no local organization authorized by State law to undertake such

construction or to enter into such contract, and in no event after July 1, 1956: Provided, That in participating in the installation of such works of improvement the Secretary, as far as practicable and consistent with his responsibilities for administering the overall national agricultural program, shall utilize the authority conferred upon him by the provisions of this Act: Provided further, That, at least forty-five days (counting only days occurring during any regular or special sessions of the Congress) before such installation involving Federal assistance is commenced, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President: Provided further, That any such plan (a) which includes reclamation or irrigation works or which affects public or other lands under the jurisdiction of the Secretary of the Interior, or (b) which includes Federal assistance for floodwater detention structures, shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views and recommendations at least sixty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, and the Secretary of the Army, if received by the Secretary of Agriculture prior to the expiration of the above sixty-day period, shall accompany the plan transmitted by the Secretary of Agriculture to the Congress through the President: Provided further, That, prior to any Federal participation in the works of improvement under this Act, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this Act, and to assure the coordination of the work authorized under this Act and related work of other agencies including the Department of the Interior and the Department of the Army.

SEC. 6. The Secretary is authorized in cooperation with other Federal and with States and local agencies to make investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning and development of works or programs for such lands.

SEC. 7. The provisions of the Act of June 22, 1936 (49 Stat. 1570), as amended and supplemented, conferring authority upon the Department of Agriculture under the direction of the Secretary of Agriculture to make preliminary examinations and surveys and to prosecute works of improvement for runoff and waterflow retardation and soil erosion prevention on the watersheds of rivers and other waterways are hereby repealed: Provided, That (a) the authority of that Department of Agriculture, under the direction of the Secretary, to prosecute the works of improvement for runoff and waterflow retardation and soil erosion prevention authorized to be carried out by the Department by the Act of December 22, 1944 (58 Stat. 887), as amended, and (b) the authority of the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil erosion prevention authorized to be carried out by section 7 of the Act of June 28, 1938 (52 Stat. 1215), as amended by section 216 of the Act of May 17, 1950 (64 Stat. 163), shall not be affected by the provisions of this section.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended.

SEC. 9. This Act may be cited as the "Watershed Protection and Flood Prevention Act".

Approved August 4, 1954.

Introduction

The Watershed Protection and Flood Prevention Act (Public Law 566, 83d Congress) originated in the Committee on Agriculture of the House of Representatives.

In August 1950 hearings were begun by this Committee on the subject of floodwater and sediment damages in upstream watershed areas. In October and November 1951 additional hearings on this subject were held in the Midwest by a subcommittee under the chairmanship of Mr. Poage. The object of these hearings was two-fold: To ascertain the nature of the problems involved and to determine what legislative action would be required to solve them. The following conclusions, according to Mr. Hope, were reached by the Committee:

"First, that our programs for soil and water conservation and for downstream river development and flood protection are closely interrelated and that there is a serious gap in our coordinated attack on this problem.

"Second, that gap lies in our approach to the matter of upstream watersheds. The soil conservation and water conservation activities of the Department of Agriculture and the Department of the Interior do not reach far enough downstream and the flood-control activities of the Corps of Engineers do not reach far enough upstream to meet and form a unified program. In between, in the small branches and creeks which form the upstream watersheds, there is a hiatus of authority and a lack of purposeful activity that is to a large extent nullifying both the work being done on major rivers downstream and on agricultural and forest lands above.

"Third, it is not necessary to wait until complete plans have been developed for full river valley development before this small watershed work is undertaken. In general, the work which needs to be done to prevent the rapid runoff of water through upstream creeks, branches, and gulleys, will be the same regardless of what the ultimate decision may be as to development of major streams farther down.

"Fourth, since from 25 to 75 percent of all flood damage occurs in these upstream areas, beyond the furthest benefits of the major downstream structures, the planning and installation of these upstream programs and projects should be a cooperative matter between the Federal Government, the States, local governmental agencies, municipalities, and private citizens and groups of citizens. Each should bear, insofar as possible, an equitable proportion of the cost based upon anticipated benefits."

On the basis of these conclusions, the subcommittee which had been responsible for making a study of this matter drafted a bill (H. R. 7868, 82d Congress), which was introduced by its chairman, Mr. Poage.

Hearings (unpublished) were held on this bill in June 1952. At these hearings, the bill was supported by the Department of Agriculture, major farm organizations, and many other groups and organizations interested in resource conservation and development.

Following the hearings, the Committee amended the bill in conformity with some of the suggestions made at the hearings. At the direction of the Committee, the author of the bill introduced a clean bill (H. R. 8243, 82d Congress) embodying the amendments, and this bill was reported favorably to the House (H. R. Rep. No. 2222, 82d Congress). However, the bill did not receive a rule enabling it to be brought to the floor of the House.

Early in the 83d Congress, the bill reported in 1952 was reintroduced by the chairman of the Committee, with some slight modification, as H. R. 4877. Subsequent to the introduction of the bill, the Committee held hearings (unpublished) on conservation and watershed programs in general and many of the witnesses specifically endorsed the bill.

The bill was subsequently considered by the Bureau of the Budget and was transmitted to the Committee, with relatively minor amendments, simultaneously and in connection with the message from the President on conservation which was delivered to the Congress on July 31, 1953. In this form the bill was reintroduced by Mr. Hope as H. R. 6788 on August 1, 1953. On the same date a companion bill, S. 2549, was introduced in the Senate by Mr. Aiken.

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Public Law 566 - 83d Congress
Chapter 656 - 2d Session
H. R. 6788

AN ACT

"To authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes."

Section 1

The Act:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and that it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water and thereby of preserving and protecting the Nation's land and water resources."

House - Committee Report (H.R. Rep. No. 1140, 83d Cong., 2d sess.):

"The purpose of this bill [H. R. 6788] is to provide the legislative authority and direction for cooperative Federal-local action in attacking the problems of upstream soil and water conservation and flood prevention. The bill will provide the policies, the framework, and the standards under which action in this field can be taken jointly by the Federal Government, States, counties, and other local government entities, soil conservation or watershed districts, and local citizens' groups. Based on the sound principle of payment for value received, the bill provides that the cost of the programs and improvements shall be shared equitably between the participants in proportion to the benefit which each will receive. The program the bill authorizes will supplement both our present agricultural soil and water conservation programs

and our programs for development and flood protection of major river valleys. It will bridge the gap that now exists between these two types of programs and greatly enhance the ultimate benefits of both. It will provide an additional means of aiding in the conservation of scarce water supplies.

"Under the policies established by the bill, plans and projects will not be handed down from the top as part of some overall development plan, but can be initiated only by the people of the localities most intimately involved and can be carried into operation only with the fullest cooperation and initiative on the part of local groups and agencies."

"Section 1. Declaration of policy

"Declares that erosion, floodwater, and sediment damages in the watersheds of rivers and streams constitute a menace to the national welfare, and that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies to prevent such damages and to preserve and protect the Nation's land and water resources."

Senate - Committee Report (Sen. Rep. No. 1620, 83d Cong., 2d sess.):

"The general purpose of the bill [H. R. 6788] is to carry out the upstream watershed recommendations contained in the President's message of July 31, 1953. . . . The bill provides for technical and financial assistance to State and local agencies in undertaking flood-prevention work and agricultural phases of water management in watersheds and sub-watersheds."

"The first section of the Committee amendment states it to be the sense of Congress that the Federal Government should cooperate with State and local agencies in flood-control and water-management projects."

Section 2

The Act:

"For the purposes of this Act, the following terms shall mean:

"The 'Secretary' -- The Secretary of Agriculture of the United States.

"'Works of improvement' -- any undertaking for --
(1) flood prevention (including structural and
land-treatment measures) or
(2) agricultural phases of the conservation,
development, utilization, and disposal of water . . ."

House - Bills (H. R. 6788):

"'Works of improvement' -- any undertaking for flood
prevention, including structural and land-treatment measures,
and agricultural phases of the conservation, development,
utilization and disposal of water . . . "

(H. R. 6788 as amended by the House, same as H. R. 6788)

House - Debate (Cong. Rec. March 15, 1954, p. A-1946):

"Mr. JONES of Alabama. I would like to direct an inquiry
regarding section 7 of the bill. I presume that provision
amends section 1 of the Flood Control Act of 1936 which was
later amended by the act of 1944 to include drainage. I would
like to have an expression from the chairman as to whether he
is of the opinion that flood prevention in this bill will give
authority to the Department of Agriculture to carry out the
drainage problem under the designation of flood prevention work.

"Mr. HOPE. I can say to the gentleman that I am sure it does
not give the Department any authority which it does not already
have to deal with drainage matters. I am not sure what power
it has under the general authority to deal with soil and water
conservation.

"Mr. JONES of Alabama. I was hoping that it would give that
authority, and I hope that the committee if the Department of
Agriculture does not seek the authority to carry out drainage
projects that it be included in the bill because that is an
integral and essential part of flood prevention work.

"Mr. HOPE. I would not want to say that where drainage was
an incidental part of the project that it might not be included.
I think it would have to be an incidental feature to a situation
which involved flood control unless the Department of Agriculture
already has some authority to deal with the subject.

"Mr. JONES of Alabama. The report of the Corps of Engineers
presently being transmitted to the Committee on Public Works
states under the act of 1944 that the flood-control work will
be carried out by the Corps of Engineers. The subsequent or
drainage work is being deferred to the Department of Agriculture.

It would seem to me that to carry out these work projects in an orderly fashion, the authority for a given watershed should be under the jurisdiction of the Department of Agriculture; otherwise we disturb the functions of the departments and we find difficulty. I would like to see that authority conferred on the Department of Agriculture.

"Mr. COOLEY. Mr. Chairman, will the gentleman yield?

"Mr. HOPE. I yield to the gentleman from North Carolina.

"Mr. COOLEY. I would like to ask the chairman of the Committee on Agriculture if I did not understand him to say that the bill did not contemplate dealing with purely drainage projects but that if in dealing with flood-prevention projects drainage became a vital part of that plan, this authority would be given under the bill to the Secretary to make an agreement which would involve some degree of drainage if that drainage was essential to the development of the flood-prevention project.

"Mr. HOPE. I think if drainage was perhaps an incidental matter that was tied in closely with flood prevention and the land treatment phase of the activity that the measure probably would include that authority. However, I do not want to give the impression that was contemplated by the committee as a part of the program because I do not think we considered that phase of the matter in connection with this legislation except as incidental. Certainly there is nothing in this bill which would take away any authority which the Department of Agriculture may now have to deal with drainage problems.

"Mr. COOLEY. I agree with the gentleman in what he has said, but I do not want the impression left in the RECORD here or with the Members of the House that if in the development of a proper flood-prevention project it is necessary to do certain things that the Secretary would be prohibited from doing them because merely there was some drainage involved.

"Mr. HOPE. I intended in my statement to the gentleman from Alabama to make that clear.

"Mr. JONES of Alabama. I believe that is the interpretation that should be placed on the bill and I was hopeful of getting an expression from the chairman where any future doubts would be resolved in favor of a drainage program in connection with a flood-control program, because it places too great a burden, otherwise, on the local people to get the Federal funds necessary to go ahead.

"Mr. HOPE. I thank the gentleman very much for his comments and suggestions."

House - Mr. Hope's extension of remarks in explanation of the Act (Cong. Rec. July 28, 1954, p. A-5491):

"The projects authorized by the act can be of two general types: First, a straight flood-prevention program, including structures of various kinds and land treatment measures, or second, a project embracing primarily the agricultural phases of conservation, development, utilization, and disposal of water. Or, of course, the project can embrace any combination of these two general objectives."

Senate - Bills (S. 2549, S. 2549 - Committee Print, and
H. R. 6788 - Committee Print, same as H. R. 6788)

Senate - Committee Report:

"Section 2 of the amendment defines a 'work of improvement' as any undertaking for flood prevention and agricultural phases of the conservation, development, utilization, and disposal of water . . . in order to make it absolutely clear that a work of improvement may consist solely of an undertaking for 'agricultural phases of the conservation, development, utilization, and disposal of water,' such as a drainage project, the commas setting off the phrase 'including structural and land-treatment measures' have been changed to parentheses, and the typographical form has been changed slightly. While your committee believes that the definition as originally written covered drainage projects, whether incidental to flood-prevention work or not, there is some legislative history construing it otherwise, and your committee therefore recommends this change in punctuation and form."

Conference Report - The Report (H. R. Rep. No. 2297, 83d Cong., 2d sess.):

"The conference agreed to the change made by the Senate in the form and punctuation of the definition of 'works of improvement' to make it clear that the definition includes drainage projects and that it may be an undertaking either for flood prevention or the agricultural phases of the conservation, development, utilization and disposal of water."

"The conference agreed to the change made in form and punctuation by the Senate in the definition of 'works of improvement,' as well as to the use of 'and' [sic] instead of 'or' [sic] to make it clear that the definition includes drainage projects."

Section 2, Continued:

The Act:

" . . . in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than five thousand acre-feet of total capacity. No appropriation shall be made for any plan for works of improvement which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives, respectively."1/

House - Bills (H. R. 6788):

" . . . in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than five thousand acre-feet of total capacity."

(H. R. 6788 as amended by the House, same as H. R. 6788.)

House - Mr. Hope's extension of remarks in explanation of the Act:

"In the event that the plan includes a proposed dam or other structure impounding more than 2,500 acre-feet, the procedure followed is the same as that for other projects except that

1/ The sentence beginning with "No appropriation . . . " was added by the conference committee.

an appropriation for such a project cannot be made until the Committee on Agriculture of the House and the Committee on Agriculture and Forestry of the Senate have adopted committee resolutions authorizing the project. The maximum total capacity of any structure which can be constructed under the authority of this act is 5,000 acre-feet.

"The method of making appropriations for this work will be determined from time to time by the Appropriations Committees and the Congress. It is anticipated that it will be worked out in such a way that there will be a minimum of delay involved and that funds for the start of work on a project will be available as soon as the project has been approved and the requirements for submission to the Congress have been complied with."

Senate - Bills (S. 2549, S. 2549 - Committee Print, and H. R. 6788 - Committee Print, same as H. R. 6788)

(H. R. 6788 as amended by the Senate Committee):

" . . . in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than two thousand acre-feet of total capacity or such greater capacity, not exceeding five thousand acre-feet, as may be specifically authorized by Act of Congress."

Senate - Committee Report:

"Section 2 of the amendment defines a 'work of improvement' as any undertaking for flood prevention and agricultural phases of the conservation, development, utilization, and disposal of water in watershed or subwatershed areas not exceeding 250,000 acres and not including any single structure which provides more than 2,000 acre-feet of total capacity or such greater capacity, not exceeding 5,000 acre-feet, as may be authorized by Act of Congress.

"As passed by the House, a 5,000 acre-feet limitation was imposed upon the total capacity of any structure which might be included in a work of improvement. Your committee felt that this limitation might be somewhat high in view of the facts that the bill does not require individual authorization of projects by Congress, and that structures of this size might have considerable effect on flood control, navigation, and reclamation projects which must be individually considered and authorized by Congress. Your committee therefore recommends that congressional approval be required for projects including any structure having a total capacity between 2,000 and 5,000 acre-feet."

"Mr. HOLLAND. First, as passed by the House, this measure imposed a limitation of 5,000 acre-feet upon the size of the structures to be constructed by the Department of Agriculture in protection and development of a watershed.

"The Senate committee felt that this limitation was entirely too high without later review of individual projects for authorization by the Senate Committee or the House committee or Congress. Therefore, the Senate committee recommended that this provision be changed so as to delegate to the Department of Agriculture full authority under the other provisions of the bill only as to projects with respect to which the structures to be erected would have a total capacity of not to exceed 2,000 acre-feet, and to projects between 2,000 acre-feet and 5,000 acre-feet which have first been reviewed by Congress and specifically authorized by act of Congress.

"The Senate committee reported that change, and it was incorporated in the Senate bill as passed earlier today.

"It was the view of the Senate Committee that structures of over 2,000 acre-feet might easily have a very grave impact upon navigation projects or flood-control projects or reclamation projects further down the stream in the same watersheds, which had been entrusted for development and for operation to the Corps of Army Engineers, in the case of flood control and navigation projects, and to the Reclamation Bureau of the Department of the Interior in the case of reclamation projects.

"The committee felt that it would be wholly unwise to expect of the Corps of Army Engineers, in the one case, and the Reclamation Bureau, in the other case, the unified control and operation to which the committee and the country should look from those agencies, and not only expect, but get. Therefore, the committee felt that Congress should reserve to itself the power, authority, and jurisdiction to review any proposed projects greater in size than 2,000 acre-feet, and up to 5,000 acre-feet in size, so that Congress could seek the advice and, in appropriate cases, secure the approval of, those agencies of government which I have already mentioned, and which have been given the control and responsibility for handling the important flood control and navigation and reclamation projects.

"The committee felt that, obviously, it was unwise to impinge upon the unity of control of important projects and that by dividing control we would, in all probability, create confusion and chaos."

Conference Report - The Report:

"The House bill provided that the Secretary of Agriculture must come into agreement with the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on all watershed projects. The Senate amendment struck out this provision and provided that any dam providing a capacity of from 2,000 to 5,000 acre-feet must be approved by the Congress. The conference agreement substitutes for these provisions a requirement that before appropriations can be made for any projects containing any structure providing a capacity of from 2,500 to 5,000 acre-feet, the plan must be approved by resolutions adopted by the Senate and House Agriculture Committees.

"Under the new conference language, committee approval must be obtained before the necessary funds can be appropriated for a plan for works of improvement including a structure providing more than 2,500 acre-feet of total capacity. If an appropriation should be proposed without such committee approval such appropriation would be subject to a point of order. Although the conferees feel that such a proposal would not be made, it is their intent and understanding that a point of order can be made and sustained against appropriations for plans lacking committee approval."

Conference Report - Agreed to by the Senate (Cong. Rec. July 19, 1954, p. 10428):

"Mr. HOLLAND. Mr. President, I listened with interest and approval to the able statement made by the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Vermont [Mr. AIKEN], in reporting the conference agreement on H. R. 6788, the watershed bill. It is probably unnecessary to make further comment, but there are four features of the conference report that I wish to mention briefly.

"The Senate will remember that the Senate bill differentiated between two sizes of projects which could be constructed under this program. The Senate passed its committee bill in a form providing that projects for 2,000 acre-feet or less might be initiated by the local districts and the Secretary of Agriculture without further reference to Congress, but that projects between 2,000 acre-feet and 5,000 acre-feet, because of their possible implications upon flood control, navigation, or reclamation projects which were downstream, must come before the Congress for authorization.

"In the conference, the figures were changed slightly. In the first instance, instead of having 2,000 acre-feet as the upper limit of the structures which could be constructed without further reference to Congress, that upper limit was restated to be 2,500 acre-feet. In other words, projects up to 2,500 acre-feet do not have to be approved further or considered further by the Congress.

"As to projects between 2,500 acre-feet and 5,000 acre-feet, the conference report differs from the provisions of both the Senate and House bills in that we have adopted the same machinery which the Congress adopted in the so-called lease-purchase bill. In an effort to relieve the full Congress of further details in this matter, it was decided, instead, to provide machinery under which the Senate and House committees alone would be given the power to authorize, which power would have to be affirmatively exercised before any appropriations could be made for projects coming within those sizes.

"Senators will remember that in the lease-purchase bill we were so advised by the parliamentarians of the House and the Senate that it is clear that under such a provision a point of order can be made if an appropriation is proposed for a project between the 2,500 acre-feet size and the 5,000 acre-feet size, without its having first been submitted to and authorized by the appropriate committees."

Section 2, Continued:

The Act:

"A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire."

Senate - Hearings (pp. 35-37):

"Mr. McARDLE. We are greatly in favor of S. 2549. The only questions which we have regarding the proposed legislation has to do with the matter of whether or not there could be a combination of several of these 250,000-acre small watersheds, and the answer to that is, I think, fully covered in section 2 of the legislation, showing that there can be combinations of several such smaller areas.

" * * *

"One of the questions they have raised with us concerns the effect of the 250,000-acre limitation contained in section 2. In much of the West, due to conditions of rough terrain, low rainfall, large blocks of publicly owned lands, concentration of agriculture, industry and population in irrigated valleys, and because of the topographical relationship of mountains to valleys, watershed programs must be considered in terms of larger units than the 250,000-acre small subwatershed. Many western watersheds are like large funnels, with the arable land, the people, and the privately owned land concentrated at the small or outlet end of the funnel.

"The Boise River watershed is typical of a number of western watersheds. This river drains 2.6 million acres, of which only 366,000 acres or approximately 14 percent of the total watershed is in irrigated cultivated lands, primarily in the lower valley of the river. The rest of the watershed is in low, dry foothills or more humid mountains. Although there is a population of about 100,000 persons in the watershed, they are concentrated in the Boise Valley where 97 percent of them live, principally in urban areas. The upper watershed is largely unpopulated, and 63 percent is in the Boise National Forest. Watershed restoration is needed in both mountains and foothills. In the valley other works to facilitate land drainage, prevent erosion of irrigated lands, and protect against floodwaters are needed to complement the work done on the national forests in the mountains. In some cases it would be extremely difficult to get proper correlation of the work on the mountains and in the valley if the combined job were limited to an area of 250,000 acres or less.

"The Department interprets the bill in its present form to be sufficiently flexible to cover situations like the Boise. Section 2 specifically said: ' * * * a number of such watersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.' The Department noted the above provision in its report, and would have recommended a comparable clause had it not already been included."

"Senator HOLLAND. I would like to know whether or not his comment on the joinder of several of these 250,000-acre watershed areas so as to make several of them be handled as one, whether he means he understands by this that there are several local districts, each of which would have an area in a watershed of 250,000 acres or less so that taken together they would have a combined watershed a great deal larger than that, and that authority would be given by this bill to construct a single structure or to join the construction of a single structure which would handle these structural improvements?

"Mr. McARDLE. Senator Holland, were you referring to a dam, for example?

"Senator HOLLAND. Yes.

"Mr. McARDLE. The bill as it now appears restricts the size of a dam so it would be a relatively small structure and must not contain more than 5,000 acre-feet. It is possible in these situations where two or more of these smaller watershed areas would be joined in such a way that one of these small dams would be the most effective way of handling some situations.

"I would assume that legislation would provide for that. I believe that those situations would be rather infrequent.

"Senator HOLLAND. Is it your understanding of the proposal on that point that the limitation to 5,000 acre-feet capacity would apply to the combination of the areas which were included in the single watershed?

"Mr. McARDLE. Senator, I am going to refer that to our associate solicitor, Mr. Mynatt, because I think it is a legal point.

"Mr. MYNATT. Senator, in my opinion, the limitation of the 5,000 acre-feet to any single structure would apply regardless of whether there was a combination.

"Senator HOLLAND. Even if there were 3 or 4 or 5 of the areas involved, neither of which would exceed 250,000 acres or about 500 square miles, the limitation of the structure required not to exceed 5,000 acre-feet total capacity would apply to the whole group of areas so joined together?

"Mr. MYNATT. Yes, sir."

Senate - Committee Report:

"A number of subwatersheds in any given watershed may be planned together when the local sponsoring organizations so desire."

Section 2, Continued:

The Act:

"'Local organization' -- any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement."

House - Bills (H. R. 6788):

"'Local organization' -- any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out flood prevention and related activities."

(H. R. 6788 as amended by the House, same as H. R. 6788)

House - Mr. Hope's extension of remarks in explanation of the Act:

"Before any actual construction work can be done on the program there must be a local sponsoring organization authorized by State law to carry out, maintain, and operate the works of improvement which will be installed under the program."

Senate - Bills (S. 2549 and S. 2549 - Committee Print, same as H. R. 6788)

Senate - Committee Report:

"Section 2 defines a local organization as any State, political subdivision thereof, soil- or water-conservation district, flood-prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain, and operate the works of improvement. This definition differs slightly from that in the bill as it passed the House, since it includes agencies having authority to 'carry out, maintain, and operate the works of improvement,' instead of agencies having authority to 'carry out flood prevention and related activities.'"

Conference Report - The Report:

"The House defined 'local organization' as including any agency having authority under State law to 'carry out flood prevention and related activities.' The Senate approved a definition, which was agreed upon by the conference, changing the quoted phrase to 'carry out, maintain and operate the works of improvement.'"

Section 3

The Act:

"In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations if such application has been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over programs provided for in this Act, or by the Governor if there is no State agency having such responsibility -- "2/

House - Bills (H. R. 6788):

"In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations -- "

(H. R. 6788 as amended by the House, same as H. R. 6788)

House - Mr. Hope's extension of remarks in explanation of the Act:

"This application should be submitted to the State or local representative of the Soil Conservation Service and, at the same time, to the governor of the State. In order to prevent the conflict of these projects with other State development plans, the act gives the appropriate State agency or the governor a period of 45 days in which to disapprove such an application. If it is disapproved, no further action on that application will be taken by the Federal Government."

Senate - Bills (S. 2549 and S. 2549 - Committee Print, same as H. R. 6788)

(H. R. 6788 - Committee Print):

"In order to assist State and local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations if such application has been reviewed and approved by

2/ Part of this provision was added by the conference committee.

the State agency having supervisory responsibility over programs provided for in this Act, or by the Governor if there is no State agency having such responsibility -- "

(H.R. 6788 as amended by the Senate Committee, same as H. R. 6788 - Committee Print)

Senate - Hearings (pp. 21-27):

"Senator MUNDT. What I am trying to bring out is this. While I was home in my State this summer we had a meeting in connection with this whole program, which finds much favor in the State. But the Secretary of Agriculture and some of the representatives at State college felt in a program of this kind in which local communities are expected to cooperate, the State government should not be entirely shunted aside; that they should have something to say as to the priority of the projects within the State or within the area.

"Have you anything in your bill which would provide for that kind of participation so that the State is not left out of this whole thing and you are just working direct with the local community and the Federal Government?

"Mr. YOUNG. Senator Mundt, I believe there is no specific provision for clearing with any particular State agency, although the entire approach of the bill is one of cooperation with the local communities and the States.

" * * *

"Senator THYE. There was no mention of our soil-conservation districts in your question, Senator Mundt. They likewise are a part of that State body and are located in given districts and areas of the State. Does this embody the cooperation of those districts? Does this law propose that, as you understand it?

"Mr. YOUNG. Yes, sir; I think it would, Senator Thye. We anticipate that the soil conservation districts individually or collectively, as the watershed situation may demand, would act as sponsors.

" * * *

"Senator HOLIAND. Mr. Chairman, I call attention to the fact that on lines 21 to 25 on page 2 in the definition of local organizations -- which is the term used in the act generally -- there is included not only the State but various other lesser subdivisions. I quote:

Local organization--any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out flood prevention and related activities.

So it is rather clear that under the terminology here this law would apply not only to the relationships between the Secretary of [and the] State, but also to the relationships between the Secretary and any other political subdivision having power to function in these fields. I think that is rather clear from that wording.

"Mr. YOUNG. We certainly would anticipate working with all of those organizations and recognizing that they would vary from State to State under the particular enabling legislation and organizations they have at the moment.

"Senator YOUNG. I think Senator Mundt is concerned with just how these projects in any particular State would be selected. What agency of the State, if any, would have a voice in selecting those projects?

"Senator MUNDT. That is exactly right. Obviously they had none. That is what stirred them up. So I pointed out in the meeting, 'Suppose you had been selecting them; which one would you take?' They said, 'The same one; that is the only one that was available. There is no quarrel about that.' But they said, 'Looking for long-term projects in which we are expected to cooperate, we want to cooperate. We have a lot of fine technicians in our agricultural State college.'

"They want to be a part of this program. They want to have something to say about the selecting of the projects. That is why I ask you the direct question: Is there anything here which gives the State some kind of authority in selecting the priorities. The Solicitor says 'No.' Is that right?

"Mr. MYNATT. That is right.

"Senator MUNDT. So the answer stands as 'No,' Senator, according to the Solicitor. The language is very pretty, but I am talking about the purport.

"Senator HOLIAND. Mr. Chairman, I fully agree with the point made by the Senator from South Dakota. I think what he is heading at is that there is no provision in this law such as that contained in the flood-control law which requires the approval of the governor of the State as a condition precedent, even to the submission of a program worked up by the Corps of Engineers to the Congress for its approval. I think that the Senator is making a point with which I completely concur, that the relationships between the Federal agency and the local organizations, each of which has a place and an important place in this picture, should always clear through the central agency in the State; that is, the State governor. And if you do not have that, you have to have a dozen kinds of different pictures within a large and intricate State, and some of them operating through enthusiasm probably and not through any deliberate motive, without going through the State authority.

"If that is what your remarks are addressed to, I completely concur with them."

Senate - Hearings, continued (p. 41):

Statement of Matt Triggs, Legislative Director, American Farm Bureau Federation:

"In section 6, on line 23, of page 5, it is recommended the following sentence be added, and this gets at the problem Senator Mundt raised and other Senators discussed:

In States in which the State legislature has designated a State agency to assume responsibility for planning or promoting programs of the type provided for in this Act the Secretary is authorized to enter into cooperative agreements with such agency to further the accomplishment of the objectives of this Act.

"This additional sentence would establish congressional intent to avoid bypassing State governments in those instances where State governments are or may be able and willing to undertake a responsibility in this field. Our recommendation in this respect is based upon a firm belief in the importance of maintaining strong, independent, and responsible State governments. One of the ways of doing this is to avoid preemption of authority by the Federal Government; to leave provisions in national legislation which will permit State governments to enter into partnership with the Federal Government in carrying on governmental functions. The preamble to the bill states that its purpose is to provide for cooperation of the Federal Government with the States in carrying out a water-resource program, but the basis for such cooperation is not provided in the bill itself."

Senate - Committee Report:

"Section 3 authorizes the Secretary of Agriculture, upon application of local organizations made with the approval of the appropriate State agency, to assist them in preparing and carrying out plans for works of improvement by conducting investigations and studies, furnishing financial and other assistance, and obtaining the cooperation and assistance of other Federal agencies. Approval by appropriate State agency was not required by the bill as it passed the House, but is considered desirable by your committee to afford the State some control over operations within its boundaries."

Senate - Debate (Cong.Rec. June 22, 1954, p. 8170):

"Mr. HOLLAND. The second of the changes which we insisted upon inserting in the bill would require Federal agencies to deal not solely with the local soil-conservation districts, but likewise to deal with the State governments, and with the State agency which has been created in most States to take over the supervision of such projects within the State.

"The bill, as it came from the House, gave no recognition at all to the fact that the States, as States, have important property rights and have important duties and responsibilities in connection with such projects. So, the second amendment which the Senate committee is insisting upon, and which the Senator from Florida thinks is basic to any sound planning or construction or operation of projects of this character, is to require the submission of such projects to the appropriate State agency, if one exists, for its approval, or, if no State agency exists, then to the Governor of the State in which the project lies for his approval before the project moves ahead."

Conference Report - The Report:

"The Senate amendment added a provision to the House bill requiring approval of the application of the local organization by the appropriate State agency, or if there were no such State agency, by the Governor. The conference agreed to a substitute provision requiring applications to be submitted to the State authority but authorizing the Secretary of Agriculture to proceed on such application unless it had been disapproved by the State agency, or the Governor in the absence of any authorized agency, within 45 days after submission of the application."

Conference Report - Agreed to by the Senate (Cong. Rec. July 14, 1954, p. 10428):

"Mr. MUNDT. Mr. President, will the Senator from Florida yield?

"Mr. HOLLAND. I yield.

"Mr. MUNDT. On another phase of the report I should like to interrogate the able Senator from Florida. He will recall that at the instance of the senior Senator from South Dakota there was written into the bill in various forms and at various stages an amendment which had the objective of making certain for the record that the conservation board of each State would have

something to say about the construction of watershed projects, either in a negative way or in an affirmative way, to make sure that the Federal Government did not come into the matter without the interests of the States being protected. Will the Senator dilate, for the benefit of our colleagues, on what has been done to give assurance that the State interests will be protected?

"Mr. HOLLAND. I appreciate the question, and I am glad to assure the Senator that the conference report does completely safeguard the point the Senator has made. He will remember that as passed by the Senate there was a requirement in the bill that either the appropriate State agency, if one existed, or the governor, would have to take affirmative action on a project as requested by, let us say, a local soil conservation district, before Federal aid could be given. The conference committee changed this provision so that it now provides for submission to the appropriate State agency, if one exists, and if one does not exist, for submission to the governor. Forty-five days time is given to the appropriate State agency or to the governor to act. If they act negatively, the project must not be further proceeded with, but if they act affirmatively, or do not act at all, the project can proceed and Federal aid can be given. So that, as written into the conference report, the provision is that in the absence of timely negative action by the appropriate State agency, if one exists having jurisdiction over such conservation matters, or by the governor, if no such agency exists, the program may move ahead.

"Mr. MUNDT. And the appropriate agency will receive official notice. It will have 45 days within which to go forward.

"Mr. HOLLAND. If they desire to have 45 days they may have that long a time. It is compulsory that the program be submitted to the appropriate State agency, if one exists, and if none exists, to the governor, before the program can move ahead.

"Mr. MUNDT. I believe that will meet the situation, because by the very nature of things, since this provision is in the law, every State will be watching these applications and following carefully the development of the plans and programs and areas. So it appears that 45 days should be ample time for a State to disapprove such a project if for reasons best known to itself it should so decide.

"Mr. HOLLAND. I completely agree with the Senator's conclusion in that regard.

"Mr. MONRONEY. I am particularly gratified that the State regulatory bodies will have a 45-day notice which will enable them to take action rather than to face the possibility that such projects will be killed by inaction, which might have been possible had this wise provision not been placed in the bill."

Section 3, Continued (Subsection 1)

The Act:

"(1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;"

House - Mr. Hope's extension of remarks in explanation of the Act:

"If the application is not disapproved by the State, the Soil Conservation Service will assign technicians and other personnel to work with the local organization in conducting investigations and surveys."

Senate - Committee Report:

"Section 3 authorizes the Secretary of Agriculture, upon application of local organizations . . . to assist them in preparing and carrying out plans for works of improvement by conducting investigations and studies,"

Section 3, Continued (Subsection 2)

The Act:

"(2) to make such studies as may be necessary for determining the physical and economic soundness of plans for works of improvement, including a determination as to whether benefits exceed costs;"

House - Debate (Cong. Rec. March 11, 1954, p. 2956):

"Mr. POAGE. Getting back to the details of the bill we have long been faced with the question of how we were going to do this kind of watershed work. Everybody is agreed it should be done. So we have brought in this bill which authorizes these steps: It allows any community in the United States, through a new or existing organization, whether a city, county, watershed district, soil conservation district, or any local government agency so authorized by State law to ask the Secretary of Agriculture to inspect their problem and see if a plan can be worked out that will be mutually agreeable to the locality and the

Secretary. The Secretary is empowered to make those investigations. If they are favorable, he then goes a little further and must determine the ratio of the benefits to the estimated cost, and only in the event that the ratio of benefits to estimated cost appears to be favorable, can he go further and recommend that the Federal Government cooperate with the locality by paying part of the cost. This is to prevent a community that might feel there was great need for some structure, but where there was not as much benefit to be derived as there was cost involved, from spending money that would not be an economical expenditure. Then after the Secretary has found that it is a good economic investment, the bill authorizes him to so report to the President and then to the Congress. The bill requires local contributions, but it makes possible construction which many localities could never make without Federal help."

Section 3, Continued (Subsection 3)

The Act:

"(3) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations:"

Section 3, Continued (Subsection 3, proviso)

The Act:

"Provided: That, for the land-treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;"

Senate - Bills (S. 2549 - Committee Print):

"Provided further, That nonfederal contributions shall be at least 50 per centum of the total cost (not including operation and maintenance) of the project as estimated by the Secretary at the time the application is approved and pursuant to such regulations as the Secretary may prescribe, with appropriate adjustment in those instances where federally owned lands are included in the project;"^{3/}

^{3/} This proviso was omitted from the Act.

Senate - Hearings (pp. 27, 28):

"Senator HOLLAND. On page 3, lines 13 to 16, is the proviso that for the land-treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs. Just what is meant by that provision?

"Mr. MYNATT. Senator, it means that, for example, in the agricultural conservation program, if we are making only a 50 percent contribution for certain practices under that program, we could not make any greater contribution under the authority of this act. The rate of assistance could not be greater under this act than it is under our basic authorities.

"Senator HOLLAND. Is that provision limited to such projects as you mentioned, or is it limited to the formula for participation of the Federal Government in reclamation and flood control projects in general?

"Mr. MYNATT. It applies only to the laws of our Department.

"Senator HOLLAND. Just what does this mean? State it to the committee and into the record as to what that provision means in terms of percentage of participation by the Federal Government under this act.

"Mr. MYNATT. Where we have a program, for example, the agricultural conservation payments program or the technical assistance that the Soil Conservation Service may be given in land-treatment measures under the basic authorities of the Department, we cannot give a greater rate of assistance under the authority of this bill than we are giving under our other authorities for similar practices.

"Senator HOLLAND. Would that mean that as the details of the agricultural soil conservation program change that your authority under this act would change?

"Mr. MYNATT. Yes, sir.

"Senator HOLLAND. What is the present basis of participation by the Federal Government in this type of program?

"Mr. MYNATT. I would have to pass that, Senator. I do not know the present rate.

^{4/} Same as proviso in S. 2549 except that the words "for engineering structures" were inserted after the word "contributions."

"Mr. YOUNG. I believe there is no one here from the agricultural conservation program service, but the national docket sets that out in terms of maximum participations.

"Senator HOLLAND. That is something that is subject to change as the yearly appropriations change with reference to that program?

"Mr. YOUNG. Yes, that is right.

"Senator HOLLAND. Then that would mean this is not a fixed level organization, but a changeable and variable organization?

"Mr. YOUNG. To the extent that the agricultural conservation program would be a participant with farmers, it means that that docket for that year would apply. This bill would not change the rate of participation."

Section 3, Continued (Subsection 4)

The Act:

"(4) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section."

Section 4

The Act:

"The Secretary shall require as a condition to providing Federal assistance for the installation of works of improvement that local organizations shall -- "

House - Bills (H. R. 6788):

"The Secretary shall require as a condition to providing Federal assistance that local organizations shall -- "

(H. R. 6788 as amended by the House, same as H. R. 6788)

Senate - Bills (S. 2549 and S. 2549 - Committee Print, same as H. R. 6788)

Senate - Committee Report:

"This section differs from the bill as passed by the House in that (1) it makes it clear that its requirements are not a prerequisite to assistance in the planning of works of improvement."

Conference Report - The Report:

"Two technical amendments of the Senate were adopted making it clear that local organizations (1) would not be required to meet all of the requirements of section 4 before assistance in planning could be given."

Section 4, Continued (Subsection 1)

The Act:

"(1) acquire without cost to the Federal Government such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance;"

House - Bills (H. R. 6788):

"(1) furnish without cost to the Federal Government all easements and rights-of-way needed in connection with works of improvement installed with Federal assistance;"

(H.R. 6788 as amended by the House, same as H. R. 6788)

House - Committee Report:

" . . . local organizations shall furnish all necessary easements and rights-of-way;"

House - Mr. Hope's extension of remarks in explanation of the Act:

"These requirements are set out in Section 4 of the Act. They include the following: First, acquisition by the local organization of all land, easements, or rights-of-way necessary for the project, . . ."

Senate - Bills (S. 2549, same as H. R. 6788)

(S. 2549 - Committee Print):

"(1) acquire such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance;"

(H. R. 6788 - Committee Print, same as S. 2549 - Committee Print)

Senate - Hearings (p. 39):

Statement of Matt Triggs, Legislative Director, American Farm Bureau Federation:

"It is recommended that section 4 (1) on line 22, page 3, be amended as follows:

"(1) acquire such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance;

"The present language could be interpreted to mean that the local organizations shall acquire and transfer easements and rights-of-way to the Federal Government. The revised wording is designed to clarify the fact that any property rights will be and will remain the property of the local organization or of landowners in the district."

Senate - Committee Report:

"Section 4 requires local organizations desiring assistance to (1) acquire needed land, easements, and rights-of-way; . . .

"This section differs from the bill as passed by the House in that . . . (2) local organizations will not be required to transfer lands, easements, and rights-of-way to the United States."

Senate - Debate (Cong. Rec. June 22, 1954, p. 8170):

"Mr. HOLLAND. The third change which the Senate committee felt should be made -- and by no means is it the third in number, because there are many amendments which even a casual reading of the report will show to the reader -- is the change in the provision of the House bill in this respect: The House bill would

have required that the local organizations involved in these developmental projects should transfer to the United States the lands, easements, and rights-of-way on which the structures would be erected, the control of which would be placed in the Federal Government in connection with their operation. Under the theory adopted by the Senate committee, by means of which construction will always be in the hands of the local units of government, that particular provision became unnecessary and improper. So the amendment requires that such property interests, lands, easements, and rights-of-way, instead of being transferred to the United States, shall be acquired and held by the local unit of government which will be responsible for the letting of the contracts, and for the operation of the venture.

"By way of an overall comment, I am sure I can say that it was the philosophy of all members of the Senate committee that these projects are local projects; that the initiative must be local, and that the control of construction and the control of operations must be local if the sound and salutary objectives which are embodied in the President's message of July 31, 1953, relative to a program designed to conserve and improve the Nation's natural resources, are to be preserved at all stages."

Conference Report - The Report:

"The House provided that, among other conditions, local organizations would have to 'furnish' without cost to the Federal Government such land, easements, or rights-of-way as would be needed in connection with installation of works of improvement before the Secretary could assist with such works of improvement. The Senate amended this provision by changing 'furnish' to 'acquire', and the conference agreed to the Senate amendment."

Conference Report - Agreed to by the Senate (Cong. Rec. July 19, 1954, p. 10428):

"The House provided that, among other conditions, local organizations would have to 'furnish' without cost to the Federal Government such land, easements, or rights-of-way as would be needed in connection with installation of works of improvement before the Secretary could assist with such works of improvement. The Senate amended this provision by changing 'furnish' to 'acquire', and the conference agreed to the Senate amendment."

Section 4, Continued (Subsection 2)

The Act:

"(2) assume such proportionate share of the cost of installing any works of improvement involving Federal assistance as may be determined by the Secretary to be equitable in consideration of anticipated benefits from such improvements:"

House - Committee Report:

" . . . assume such proportionate share of the cost of installing works of improvement as the Secretary determines to be equitable in consideration of anticipated benefits;"

House - Debate (Cong. Rec. March 15, 1954, p. A-1945):

"Mr. GAVIN. With reference to the sharing of the costs, as I understand it, that will be on a fair and equitable basis between municipalities and the States and the Federal Government; is that correct?

"Mr. HOPE. The bill itself does not set up any formula for the matching of funds. It will depend upon, as the gentleman says, an equitable procedure and the part that will be borne by the Federal Government and the States and the local communities will be based upon the conditions that exist as far as any particular project is concerned. But the committee has had in mind that, overall, it will be about a 50-50 proposition, the Federal Government standing 50 percent of the cost and the States and local communities 50 percent."

Senate - Hearings (pp. 38, 39):

Statement of Matt Triggs, Legislative Director, American Farm Bureau Federation:

"The following amendments are respectfully recommended to more effectively accomplish these purposes:

"1. In section 3 (3), line 16, page 3 of the bill it is recommended that the following additional proviso be added:

"Provided further, That non-Federal contributions shall be at least 50 percent of the total cost (not including operation and maintenance) of the project as estimated by the Secretary

[at] the time the application is approved and pursuant to such regulations as the Secretary may prescribe, with appropriate adjustment in those instances where federally owned lands are included in the project.

"The purpose of this recommendation is to assure local responsibility and to prevent wasteful use of Federal funds. The best means of assuring that the projects carried out under the provisions of the bill will be sound is to provide for local sharing of the costs. This is in accordance with the intention of the bill; but it is believed the concept will be more firmly established if the Congress prescribes a more specific formula for cost-sharing. It is not believed this 50-percent requirement will represent any material handicap to successful and expeditious accomplishment of the purposes of the act. It is significant that the 65 projects approved for fiscal 1954 as a pilot program all involve an acceptance by local interests of a responsibility for carrying more than half of the cost of the project."

Senate - Committee Report:

"Your committee gave consideration to providing a more definite statutory formula for cost sharing, but determined that a definite formula could not be devised which would be equitable in all cases and that discretion would have to be left in the Secretary. The memorandum of Gladwin E. Young attached hereto as Exhibit D states that the non-Federal contribution to the 65 watersheds discussed in the second paragraph thereof is expected to represent more than 50 percent of the total cost of the projects. Your committee approves this policy and believes that it should be applied to projects authorized by this bill as far as may be equitable and possible."

Section 4, Continued (Subsection 2, proviso)

The Act:

"Provided, That no part of the construction cost for providing any capacity in structures for purposes other than flood prevention and features related thereto shall be borne by the Federal Government under the provisions of this Act;"

Section 4, Continued (Subsection 3)

The Act:

"(3) make arrangements satisfactory to the Secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;"

House - Bills (H. R. 6788):

"(3) make arrangements satisfactory to the Secretary for defraying all costs of operating and maintaining such works of improvement."

(H. R. 6788 as amended by the House):

"(3) make arrangements satisfactory to the Secretary for defraying all costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;"

House - Committee Report:

"The Secretary shall require, as a condition to providing Federal assistance, that local organizations shall . . . make satisfactory arrangements for defraying all costs of operation and maintenance."

House - Debate (Cong. Rec. March 11, 1954, p. 2966):

"Mr. JONES of Alabama. Mr. Chairman, I offer an amendment which I send to the desk. On page 4, line 9, after the word 'improvement,' insert a comma and add the following: 'in accordance with regulations presented by the Secretary of Agriculture.'"

"Mr. Chairman, the additional language to that section would insure that the works of maintenance and improvements on these projects will be prosecuted in accordance with the authorization of the Congress. That is all the amendment does. It gives that assurance that the Secretary shall have that supervisory control of the project."

"Mr. HOPE. Mr. Chairman, will the gentleman yield?"

"Mr. JONES of Alabama. I yield to the gentleman from Kansas."

"Mr. HOPE. The distinguished gentleman from Alabama, whom I regard as very high authority on legislation relating to flood control and water conservation, and whose committee conducted a very noteworthy hearing a few years ago on this subject, spoke to me about this amendment. It seems to me it strengthens the bill, and I hope it will be adopted.

"The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. Jones].

"The amendment was agreed to."

Senate - Bills (S. 2549 and S. 2549 - Committee Print, same as H. R. 6788)

Senate - Committee Report:

"(3) local organizations would not necessarily be required to defray all operating and maintenance costs, so that appropriate allowance may be made for such factors as benefits to Federal lands,"

Conference Report - The Report:

"Two technical amendments of the Senate were adopted making it clear that local organizations . . . (2) would not necessarily be required to defray 'all' operating and maintenance costs."

Section 4, Continued (Subsection 4)

The Act:

"(4) acquire, or provide assurance that landowners have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement;"

Senate - Hearings (p. 39):

Statement of Matt Triggs, Legislative Director, American Farm Bureau Federation:

"It is recommended that an additional item 4 be added to section 4 of the bill to read as follows (this is what is required of the local association):

"(4) acquire, or provide assurance that landowners have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement.

"The purpose of this recommendation is to insure that before any project is constructed that the local organization will have complied with State water-right law. For example, in some States approval must be obtained from a specified State agency for the impounding of water above specified minimum amounts."

Senate - Hearings, Continued (p. 83):

Letter dated January 18, 1954, from Senator Robert S. Kerr of Oklahoma to Hon. George D. Aiken, Chairman, Committee on Agriculture and Forestry, United States Senate:

" . . . I favor the bill substantially as written. There are two suggestions which I would like to make:

"(1) Add to Section 4 the following subsection: '(4) Conform to State laws relating to water rights.'"

Senate - Committee Report:

" . . . and water right provisions have been added."

Conference Report - Agreed to by the Senate (Cong. Rec. July 19, 1954, p. 10428):

"The conference agreed to provisions of the Senate amendment requiring that State water-rights laws be complied with."

Section 4, Continued (Subsection 5)

The Act:

"(5) obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not

less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with Federal assistance."

Senate - Hearings (p. 83):

Letter dated January 18, 1954, from Senator Robert S. Kerr of Oklahoma to Hon. George D. Aiken, Chairman, Committee on Agriculture and Forestry, United States Senate:

" . . . I favor the bill substantially as written. There are two suggestions which I would like to make:

" * * *

"(2) I would also recommend a provision as follows: 'That before retention reservoirs are constructed, a minimum of 50 percent of the drainage area above these reservoirs be required to be under agreement to carry out recommended soil-conservation measures and proper farm plans.'

"This requirement is made by the Soil Conservation Service on the Washita project in Oklahoma. The provision will assure a better land use and protection of the detention structure from siltation."

Senate - Committee Report:

"Section 4 requires local organizations desiring assistance to . . . (5) obtain agreements from owners of 50 percent of the lands above each retention reservoir to carry out recommended soil conservation measures."

Conference Report - The Report:

"The conference agreed to provisions of the Senate amendment requiring that . . . second, agreements to carry out recommended soil-conservation measures and proper farm plans be obtained from owners of not less than 50 percent of the lands in the drainage area above each retention reservoir."

Section 5

The Act:

"At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement,"

Senate - Bills (H. R. 6788 - Committee Print):

"At such time as the Secretary, the appropriate State agency, and the interested local organization have agreed on a plan for works of improvement,"

(H. R. 6788 as amended by the Senate Committee, same as H. R. 6788 - Committee Print)

Senate - Committee Report:

"This section differs from that passed by the House in several respects. First, agreement by the appropriate State agency is required, in view of the State's natural interest in projects within its boundaries."

Conference Report - The Report:

"The conference struck out language which had been added by the Senate to require that plans for works of improvement must be referred again to 'the appropriate State agency' after their approval by the local organization and the Secretary."

Section 5, Continued

The Act:

" . . . and the Secretary has determined that the benefits exceed the costs,"

House - Bills (H. R. 6788):

" . . . and the Secretary has determined that the flood prevention and soil conservation benefits exceed their costs,"

(H. R. 6788 as amended by the House, same as H. R. 6788)

Senate - Bills (S. 2549 and S. 2549 - Committee Print, same as
H. R. 6788)

Senate - Committee Report:

"Second, a requirement that the benefits must exceed the costs has been substituted for the more limited requirement that the flood-prevention and soil-conservation benefits must exceed their costs."

Conference Report - The Report:

"The conference agreed to a Senate amendment broadening the basis for computing benefits in the determination that benefits exceed the cost of the proposed improvements."

Section 5, Continued

The Act:

" . . . and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 4, "

Section 5, Continued

The Act:

" . . . the Secretary is authorized to assist such local organizations in developing specifications, in preparing contracts for construction, and to participate in the installation of such works of improvement in accordance with the plan:"

House - Bills (H. R. 6788):

" . . . the Secretary is authorized to participate in the installation of such works of improvement in accordance with the plan:"

(H. R. 6788 as amended by the House, same as H. R. 6788)

House - Committee Report:

"The Secretary is authorized to participate in carrying out the planned works of improvement."

Senate - Bills (S. 2549, same as H. R. 6788)

(S. 2549 - Committee Print):

" . . . the Secretary is authorized to assist such local organizations in developing specifications, in preparing contracts for construction, and to otherwise aid the local organization to undertake the works of improvement pursuant to the agreement between the Secretary and the local organization under the provisions of section 3 of this Act:"

(H. R. 6788 - Committee Print, and H. R. 6788 as amended by the Senate Committee, same as S. 2549 - Committee Print)

Senate - Hearings (pp. 40-41):

"Mr. TRIGGS. It is recommended that section 5 of the bill be amended by amending the language beginning after the comma on line 19, to read as follows:

" * * * the Secretary is authorized to assist such local organizations in developing specifications, in preparing contracts for construction, and to otherwise aid the local organization to undertake the works of improvement pursuant to the agreement between the Secretary and the local organization under the provisions of section 3 of this act: Provided * * *

"Senator HOLLAND. Mr. Chairman, may I ask a question there? Does that mean that the actual construction then would be handled by the local agency?

"Mr. TRIGGS. This is the purpose of the recommendation, yes, sir.

"Senator HOLLAND. What has been the history of the executive projects with which the Department has received it up to now?

"Mr. TRIGGS. I can only repeat from hearsay on that, sir.

"Senator HOLLAND. Has that been handled by the Department?

"Mr. TRIGGS. Both ways.

"Senator HOLLAND. Is there any sound basis for comparison between the results obtained by the two different ways?

"Mr. TRIGGS. I do not believe there is. Not that I know of, anyway. The purpose of this recommendation is to establish the

principle that the local organization is to have the responsibility for constructing the works of improvement. It is suggested that this is essential to carry out the stated purpose of the bill that the 'Federal Government should cooperate with * * * local public agencies * * * '

"The bill provides that the Federal Government shall make the surveys and investigations and to approve the project. If it is further provided that the Federal Government is to undertake the responsibility for construction, the concept of local responsibility and control, which as we understand it is a major purpose of the bill, is diluted pretty thin.

"Senator HOLLAND. In other words, the point is that in spite of all the recitals, the Federal Government has control of everything until the structure is completed and turned over for operation and maintenance?

"Mr. TRIGGS. That is a present possibility under the program. I am not suggesting that it would necessarily be administered that way."

Senate - Committee Report:

"Third, assistance would be limited to aiding the local organizations to undertake the work, whereas the House provision authorizes the Secretary to participate in the installation. Your committee believes that the local character of these projects should be preserved, and that they should not become Federal construction projects."

Senate - Debate (Cong. Rec. June 22, 1954, p. 8171):

"Mr. HOLLAND. The next of the points of difference I have already touched upon, but it is one which is basic to the whole approach which the Senate committee has followed, which is that Federal assistance must always be simply assistance and must be limited to the aid extended to the local organizations which may undertake the work. That contrasts with the House provision which would have authorized the Secretary himself to control the construction, installation, or operation, if necessary, and any other phases of the work which, in his judgment, would be better controlled by a Federal agency.

"It is the hope of the committee that, instead of the bill constituting an invitation for the wide spreading out of a bureau of the Federal Government, it will be considered as providing for a group to render assistance to farm owners who have shown that they prefer to have control of their own destiny,

and to operate under local taxes which they levy on themselves, and to make contributions which are within their means to do the things which are so necessary to the protection of their land and its productivity. This is, of course, a proper national and Federal objective."

Conference Report - The Report:

"The House bill authorized the Secretary to construct or to contract for the construction of structures installed in connection with works of improvement and the Senate deleted this authority."

Conference Report - Agreed to by the Senate (Cong. Rec. July 19, 1954, p. 10428):

"The House authorized the Secretary to construct or contract for the construction of structures included in works of improvement and the Senate deleted such authority."

Section 5, Continued (first proviso)

The Act:

"Provided, That, except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure unless there is no local organization authorized by State law to undertake such construction or to enter into such contract, and in no event after July 1, 1956:"

House - Mr. Hope's extension of remarks in explanation of the Act:

"Prior to July 1, 1956, the Secretary of Agriculture is authorized to construct or enter into contracts for construction of structures, providing there is no local organization authorized by State law to enter into such contracts. The Secretary may contract for or construct works of improvement on Federal land; that is, national forests."

Conference Report - The Report:

"The conference agreed to permit the Secretary to undertake or contract for construction of structures only where no local organization is authorized by State law to contract for such installations, and then only until July 1, 1956. Conference language makes it clear, however, that the Secretary has and will continue to have authority to construct or contract for the installation of such structures in connection with such works of improvement as may be necessary on Federal lands."

Conference Report - Agreed to by the Senate (Cong. Rec. July 19, 1954, p. 10428):

"The conference agreed to permit the Secretary to perform such construction or enter such contracts only in those States where local organizations do not have authority to perform such construction or enter into such contracts, and then only until July 1, 1956. The conference further authorized the Secretary to contract for installation of that part of any work which it is necessary to perform on Federal lands."

"Mr. HOLLAND. The fourth point I should like to make is that the philosophies of the two Houses, which differed as to the proper function of the Federal Government, were in some degree compromised for the immediate future. The Senate will recall that in the House bill the construction work was to be done by the Department of Agriculture, or might all have been done by the Department of Agriculture, whereas, in the Senate bill the program was purely an assistance program and the construction work had to be done by or contracted by the local agency, meaning either the district or some State agency which was clothed with the necessary power.

"Having in mind the fact that in some States no appropriate State agency and no appropriate districts now exist which have adequate authority in this field, the conference report allows until June 1, 1956, to States which do not have such a setup, to create such a setup.

"As soon as the law becomes operative, the philosophy of the Senate will be applicable in those States where State agency or local districts now have the authority to enter into contracts for the construction of dams. But in a case where no such authority exists, the State in question is given as long as it may need to come within the requirements of the bill, up to July 1, 1956. It may not have longer than that time.

"It is hoped that States will proceed speedily to allow their districts or their State agencies to operate as quickly

as possible under the spirit of the conference report, which requires the control and the initiative and the contractual power to remain in local hands, in all cases after July 1, 1956, and at once in all cases where that result is now possible."

Section 5, Continued (second proviso)

The Act:

"Provided, That in participating in the installation of such works of improvement the Secretary, as far as practicable and consistent with his responsibilities for administering the over-all national agricultural program, shall utilize the authority conferred upon him by the provisions of this Act:"

House - Committee Report:

"The bill sets out a considered national policy for the planning and execution of this upstream watershed work by the Department of Agriculture in cooperation with States, municipalities, counties, soil-conservation districts, watershed districts and organizations, and any other agencies or political entities authorized by State law to carry out flood prevention and related activities, and individuals. It specifically provides (first proviso of sec. 5) that in carrying out such activities the Secretary of Agriculture shall operate within the limitations and conditions imposed by this legislation."

Section 5, Continued (third proviso):

The Act:

"Provided further, That, at least forty-five days (counting only days occurring during any regular or special sessions of the Congress) before such installation involving Federal assistance is commenced, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President:"

House - Bills (H. R. 6788):

"Provided further, That, before such installation involving Federal assistance is commenced, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President."

(H. R. 6788 as amended by the House):

"Provided further, That, before such installation involving Federal assistance is commenced, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President and shall come into agreement with the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives with respect to such plan:"

House - Committee Report:

"Before the installation of such works of improvement is commenced, the Secretary is required to transmit a copy of the plan and justification therefor to the Congress through the President."

House - Debate (Cong. Rec. March 11, 1954, p. 2965):

"Mr. POAGE. Mr. Chairman, I offer an amendment.

"The Clerk read as follows:

"Amendment offered by Mr. Poage: On page 5, line 1, strike out the colon and insert the following: 'and shall come into agreement with the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives with respect to such plan.'

"Mr. POAGE. Mr. Chairman, this amendment will do nothing other than require the Department of Agriculture to return these projects to the House and Senate committees and leave some degree of supervision in the hands of the House and Senate. The wording is taken from the National Defense Act.

"Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

"Mr. POAGE. I yield.

"Mr. AUGUST H. ANDRESEN. I favor the gentleman's amendment and I think it is an excellent idea that after the men in the bureaus have gone over the projects, they should present them to the legislative committees, as is proposed in the gentleman's amendment, and I urge the adoption of the amendment in the interest of conservation.

"Mr. POAGE. I thank the gentleman.

"Mr. HOPE. Mr. Chairman, will the gentleman yield?

"Mr. POAGE. I yield.

"Mr. HOPE. I, like my distinguished colleague, the gentleman from Minnesota, am in accord with the purpose of the amendment. However, the gentleman from Texas may recall that when a similar

bill went down to the Bureau of the Budget for a report the question was raised about a similar provision and we were told that such a similar provision in other previous acts had been held unconstitutional by the Attorney General and two bills had been vetoed which contained provisions of this type. Now, I do not know that the language which the gentleman suggests would necessarily be held unconstitutional by the Attorney General.

"I would like to leave the matter this way as far as I am concerned -- I am not speaking for any other member of the committee, but as far as I am concerned I would be willing to have the Committee of the Whole adopt the amendment and take it to conference. In the meantime, perhaps we can get in touch with the Bureau of the Budget and see what they have to say about this particular form of amendment which the gentleman has submitted.

"Mr. POAGE. I think the gentleman's suggestion is a sound one. None of us wants to jeopardize the validity of the bill. If we can be shown that it does, obviously we will drop it out when we go to conference. But, of course, I do not feel there is anything unconstitutional about the proposal. I know it is the identical wording under which the Armed Services Committee now operates, and I can see no reason why it should not be applicable here. It will give us greater congressional interest in this program if we have this in here, and I believe we need to maintain congressional interest over a period, if we are going to make this program a success."

House - Mr. Hope's extension of remarks in explanation of the Act:

"The Act gives Congress 45 days after receiving the Secretary's report and recommendations in which to take any action which might appear desirable."

Senate - Bills (S. 2549 and S. 2549 - Committee Print, same as H. R. 6788)

Senate - Committee Report:

"Section 5 provides that before assistance in the installation of any work may be furnished . . . (3) the plan and the justification therefor must have been transmitted to Congress through the President and 45 session days must have elapsed thereafter.

"This section differs from that passed by the House in several respects . . . Fourth, transmission of the plan to

Congress is required to be made 45 session days before installation is commenced so that Congress may have an opportunity to take any action it might consider appropriate."

Conference Report - The Report:

"The conference adopted a Senate provision requiring the submission of the plan to Congress to be made at least 45 session days before installation is commenced."

Section 5, Continued (fourth proviso)

The Act:

"Provided further, That any such plan (a) which includes reclamation or irrigation works or which affects public or other lands under the jurisdiction of the Secretary of the Interior, or (b) which includes Federal assistance for floodwater detention structures, shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views and recommendations at least sixty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, and the Secretary of the Army, if received by the Secretary of Agriculture prior to the expiration of the above sixty-day period, shall accompany the plan transmitted by the Secretary of Agriculture to the Congress through the President:"

House - Committee Report:

"Before the installation of such works of improvement is commenced, the Secretary is required to transmit a copy of the plan and justification therefor to the Congress through the President. If the plan includes reclamation or irrigation works or affects lands under the jurisdiction of the Secretary of the Interior, or includes Federal assistance for floodwater detention structures, it shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views at least 60 days prior to transmission to the Congress. If such views are received by the Secretary of Agriculture within such period they shall accompany the plan transmitted to the Congress."

House - Debate (Cong. Rec. March 11, 1954, p. 2962):

"Mr. HOPE. I think the answer to the gentleman's question is that any proposals that may be submitted by the Secretary of Agriculture have to be submitted to the President and notice has to be sent to the Secretary of the Interior and the Secretary of the Army before this is done, and then 60 days in which to submit a report which must accompany the submission of the project plan to Congress. Now, that means all this has to go through the Bureau of the Budget, and I am sure that was the intention, that if there are any projects there where the coordinated efforts of the different agencies must be carried out, that that will be worked out through the Bureau of the Budget."

House - Mr. Hope's extension of remarks in explanation of the Act:

"If the plan includes reclamation or irrigation work or affects lands under the Secretary of the Interior or if it includes flood-detention structures, the plan must be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for their views and recommendations at least 60 days before it is sent to the President for transmission to the Congress. The Secretaries of the Interior and Army are not required to approve the plan, but their views, if received by the Secretary of Agriculture prior to the expiration of the 60-day period, are to be transmitted to Congress, along with the recommendations of the Secretary of Agriculture."

Senate - Bills (S. 2549 - Committee Print):

"Provided further, That any such plan which affects land under the jurisdiction of the Secretary of the Interior shall be submitted to him for his views and recommendations at least sixty days prior to transmission of the plan to the Congress through the President."

(H. R. 6788 - Committee Print):

"Provided further, That prior to entering into any agreement under section 3 of this Act to assist in the construction of any works of improvement which include any structure providing a total capacity of 1,000 acre-feet or more, the Secretary of Agriculture shall consult with the Secretary of the Army and the Secretary of the Interior concerning the details of such

structure, and if, within six months after being so consulted, The Secretary of the Army determines and advises the Secretary of Agriculture that such structure will materially affect any Federal flood control or navigation project constructed or authorized to be constructed, or the Secretary of the Interior determines and advises the Secretary of Agriculture that such structure will materially affect any Federal reclamation project constructed or authorized to be constructed, assistance in the construction of such structure shall not be furnished unless the Secretary of the Army, or the Secretary of the Interior, as the case may be, within such six months concurs in the desirability, design, and plan of operation of such structure:"^{5/}

(H. R. 6788 as amended by the Senate Committee):

"Provided further, That any such plan (a) which includes reclamation or irrigation works or which affects public or other lands under the jurisdiction of the Secretary of the Interior, or (b) which includes Federal assistance for flood-water detention structures, shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views and recommendations at least ninety days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, and the Secretary of the Army, if received by the Secretary of Agriculture prior to the expiration of the above ninety-day period, shall accompany the plan transmitted by the Secretary of Agriculture to the Congress through the President."

Senate - Hearings (pp. 39, 40):

"Mr. TRIGGS. That the third proviso of section 5 (beginning on line 4, page 5) be revised to read:

"Provided further, That any such plan which affects land under the jurisdiction of the Secretary of the Interior shall be submitted to him for his views and recommendations at least 60 days prior to transmission of the plan to the Congress through the President.

"It is not apparent from reading this that what we have done is cut out a substantial amount of language in the bill. The

^{5/} This proviso was omitted from the Act.

effect of this proposed amendment is to eliminate the need for Interior Department recommendations on projects involving supplemental irrigation of private land and to eliminate the need for Army recommendations on projects involving floodwater detention structures. Our reasons for so recommending are as follows:

"(1) In most States the Department of the Interior and in many States the Army engineers do not have offices or staff experienced or trained in this type of program.

"(2) Projects involving any significant amount of irrigation cannot be constructed under the provisions of this act anyhow because of the restriction in section 4 (2). In those instances where the local organization does desire to undertake reclamation or irrigation features they must rely on other sources for funds -- so there is no call for another Federal agency getting involved.

"(3) Any flood-detention structure constructed under the act is going to be so small as not to be a significant part of the Army Engineers' flood-control program.

"(4) It would appear to be quite in order to leave the question of interagency consultation within the discretion of the Secretary of Agriculture, and this is provided for in section 6 of the bill.

"(5) The history of Agriculture-Army coordination on water-development programs is not such as to warrant confidence in such interagency coordination . . .

"(6) When the Congress directs interagency cooperation this involves staff, personnel, offices, surveys, field trips, investigations, et cetera, by each agency involved. This is costly and in most cases unnecessary. If the Secretary of Agriculture is permitted discretionary authority in this respect, only such duplication as is warranted under the particular conditions existing in a specific case is necessary."

Senate - Committee Report:

"Section 5 provides that before assistance in the installation of any work may be furnished . . . (4) the plan must have been submitted to the Secretary of the Interior if it includes reclamation or irrigation works or affects public lands under his jurisdiction, or to the Secretary of the Army if it includes Federal assistance for floodwater detention structures, at least 90 days before its transmission to Congress, and their views received within that time must be transmitted to Congress with the plan . . .

"This section differs from that passed by the House in several respects . . . Sixth, the time provided for consideration of certain plans by the Secretary of the Interior or the Secretary of the Army has been extended to 90 days from 60 days."

Conference Report - The Report:

"The conference agreed to the 60-day period provided by the House bill (rather than the 90-day period provided by the Senate amendment) for submission of views of the Secretary of the Interior or the Secretary of the Army."

Section 5, Continued (fifth proviso)

The Act:

"Provided further, That, prior to any Federal participation in the works of improvement under this Act, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this Act, and to assure the coordination of the work authorized under this Act and related work of other agencies including the Department of the Interior and the Department of the Army."

Senate - Committee Report:

"Seventh, the provision for issuance of regulations by the President has been inserted. While your committee believes that the President has authority to issue such regulations, the importance of effective coordination in this field is such that it was felt specific provision should be made."

Conference Report - The Report:

"The Senate provision that the President shall issue regulations to assure coordination of the work authorized by the act with the related work of other agencies was adopted."

Section 6

The Act:

"The Secretary is authorized in cooperation with other Federal and with States and local agencies to make investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated

programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning and development of works or programs for such lands."

House - Bills (H. R. 6788):

"The Secretary is authorized in cooperation with other Federal and with State and local agencies to make investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning of works or programs for such lands."

House - Hearings (p. 3):

"Mr. HOPE. This bill I have introduced so that it would be available in printed form for this hearing is similar in most respects to Mr. Poage's bill. However, it embodies amendments to his bill proposed by the Department of Agriculture and embodied in the report on the bill now pending in the Bureau of the Budget, and one provision that is not in any of the pending watershed bills, so far as I am aware.

"That provision embodies our conviction that this is the time for going one step further by repealing the authority the Department of Agriculture now has to conduct surveys and make reports under the Flood Control Act of 1936. It substitutes, in lieu of this specific authority, general authority for the Department to make river basin studies in cooperation with other agencies."

House - Committee Report:

"Section 6 -- Coordinated programs

Authorizes the Secretary in cooperation with other Federal agencies and with State and local agencies to make investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. If the programs affect lands under the jurisdiction of the Secretary of the Interior, he is authorized to cooperate with the Secretary of Agriculture in planning works for such lands."

Senate - Bills (S. 2549 - Committee Print):

"The Secretary is authorized in cooperation with other Federal and with State and local agencies to make investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. In States in which the State legislature has designated a State agency to assume responsibility for planning or promoting programs of the type provided for in this Act the Secretary is authorized to enter into cooperative agreements with such agency to further the accomplishment of the objectives of this Act. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning of works or programs for such lands."^{6/}

Senate - Committee Report:

"Section 6 authorizes cooperation in watershed investigations and surveys to develop coordinated programs. The Secretary of the Interior is authorized to cooperate in the planning and development of works or programs affecting the lands under his jurisdiction. This section differs from the House provision in that it authorizes the Secretary of the Interior to cooperate in the development of works and programs for lands under his jurisdiction."

Conference Report - The Report:

"The Senate provision authorizing cooperation by the Secretary of the Interior in the development of works on lands under his jurisdiction was adopted."

Section 7

The Act:

. "The provisions of the Act of June 22, 1936 (49 Stat. 1570), as amended and supplemented, conferring authority upon the

^{6/} The sentence beginning "In States . . . " was omitted from the Act.

Department of Agriculture under the direction of the Secretary of Agriculture to make preliminary examinations and surveys and to prosecute works of improvement for runoff and waterflow retardation and soil erosion prevention on the watersheds of rivers and other waterways are hereby repealed: Provided, That (a) the authority of that Department of Agriculture, under the direction of the Secretary, to prosecute the works of improvement for runoff and waterflow retardation and soil erosion prevention authorized to be carried out by the Department by the Act of December 22, 1944 (58 Stat. 887), as amended, and (b) the authority of the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil erosion prevention authorized to be carried out by section 7 of the Act of June 28, 1938 (52 Stat. 1215), as amended by section 216 of the Act of May 17, 1950 (64 Stat. 163), shall not be affected by the provisions of this section."

House - Bills (H. R. 6788):

"The provisions of the Act of June 22, 1936 (49 Stat. 1570), as amended and supplemented, conferring authority upon the Department of Agriculture under the direction of the Secretary of Agriculture to make preliminary examinations and surveys and to prosecute works of improvement for runoff and waterflow retardation and soil erosion prevention on the watersheds of rivers and other waterways are hereby repealed: Provided, that the authority of the Department of Agriculture, under the direction of the Secretary, to prosecute the works of improvement for runoff and waterflow retardation and soil erosion prevention authorized to be carried out by that Department by the Act of December 22, 1944 (58 Stat. 887), as amended, shall not be affected by the provisions of this section."

(H. R. 6788 as amended by the House, same as H. R. 6788)

House - Hearings (p. 3):

"Mr. HOPE. The bill I have introduced so that it would be available in printed form for this hearing is similar in most respects to Mr. Poage's bill. However, it embodies amendments to his bill proposed by the Department of Agriculture and embodied in the report on the bill now pending in the Bureau of the Budget, and one provision that is not in any of the pending watershed bills, so far as I am aware.

"That provision embodies our conviction that this is the time for going one step further by repealing the authority the

Department of Agriculture now has to conduct surveys and make reports under the Flood Control Act of 1936. It substitutes, in lieu of this specific authority, general authority for the Department to make river basin studies in cooperation with other agencies."

House - Committee Report:

"Section 7 . . . repeals the provisions of the Flood Control Act of 1936, as amended and supplemented, that are applicable to the Department of Agriculture, but retains the authority to prosecute the works of improvement authorized to be carried out by the Department by the Flood Control Act of 1944. This applies to the 11 large watershed projects which have been started by the Department of Agriculture under specific congressional authority. It is intended that the continuing authority to prosecute these projects shall include the authority to prepare and submit to the Congress any review survey reports in connection with such works of improvement that may be authorized by resolution of either the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate."

Debate - House (Cong. Rec. March 11, 1954, p. 2962):

"Mr. D'EWART. The second section of the bill says that certain things that affect the Secretary of Agriculture shall not be affected by the provisions of this bill. The Flood Control Act of 1944 is exceedingly important to many districts in the West, including the Missouri Basin. When you limit that provision to the Secretary of Agriculture you have no intention of excluding the authorities granted to the Secretary of War and the Secretary of the Interior; is that a fact?

"Mr. HOPE. Yes. That is certainly true. The gentleman, I presume, is referring to the proviso on page 6; is that correct?

"Mr. D'EWART. That is right, the second proviso.

"Mr. HOPE. The only purpose in putting that proviso in is that 11 projects have been started by the Secretary of Agriculture under the Flood Control Act of 1944. We did not want to interfere with those projects, so we put in this proviso that the act shall not affect them, notwithstanding the repeal of the 1936 provisions.

"Mr. D'EWART. What it actually says is that it shall not affect the Department of Agriculture as it is concerned with the Flood Control Act of 1944, but it does not include the Department of the Interior or the Department of War. It is not the gentleman's intention that those should be excluded?

"Mr. HOPE. No. This act does not intend in any way to affect any of the authority or activities of the two agencies which the gentleman mentioned.

"Mr. D'EWART. That act is important to us."

Senate - Bills (S. 2549 and S. 2549 - Committee Print, same as H. R. 6788)

Senate - Committee Report:

"Section 7 repeals the Secretary's authority under the Flood Control Act of 1936 to make preliminary examinations and surveys and prosecute works of improvement for runoff and waterflow retardation and soil-erosion prevention on watersheds, but preserves his authority to prosecute the 11 projects authorized by the Flood Control Act of 1944 and to prosecute emergency measures under the 1938 act. The provisions retaining emergency authority were added by your committee."

Senate - Debate (Cong. Rec. June 22, 1954, p. 8171):

"Mr. HOLLAND. Mr. President, before closing I wish to make it clear that section 7 repeals the Secretary's authority under the Flood-Control Act of 1936, except as to projects which have already been authorized, and some of which are already underway. So it ought to be crystal clear that the bill does mark a very real departure from anything we have done heretofore, and provides for a new project which will have a tremendous impact upon the agricultural population from one side of the Nation to the other."

Conference Report - The Report:

"The Senate provision preserving the authority of the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil erosion prevention under the Flood Control Act of 1938 was retained."

Section 8

The Act:

"There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended."

House - Bills (H. R. 6788):

"There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

House - Committee Report:

"Authorizes appropriations in such sums as may be necessary to carry out the purposes of the act."

House - Debate (Cong. Rec. March 11, 1954, p. 2964):

"Mr. H. CARL ANDERSEN. Mr. Chairman, I offer an amendment.

"The Clerk read as follows:

"Amendment offered by Mr. H. CARL ANDERSEN: On page 6, line 16, strike out the period and insert a comma and the following: 'Such sums to remain available until expended.'

"Mr. H. CARL ANDERSEN. Mr. Chairman, all the Members will understand that this of necessity must be a continuing program. We on the Appropriations Subcommittee are placed in difficulties if all the money is not expended as of June 30 and the portion not expended is not permitted to continue into the next fiscal year. We are faced with that difficulty right now. I think it is estimated that about \$500,000 will be left available unexpended of the \$5 million that was appropriated last year. This simply makes as a matter of law authorization each year to continue whatever amounts may be available.

"This is a very simple amendment. I hope it will be agreed to."

House - Mr. Hope's extension of remarks in explanation of the Act:

"The method of making appropriations for this work will be determined from time to time by the Appropriations Committees and the Congress. It is anticipated that it will be worked out in such a way that there will be a minimum of delay involved and

that funds for the start of work on a project will be available as soon as the project has been approved and the requirements for submission to the Congress have been complied with."

Senate - Bills (S. 2549 and S. 2549 - Committee Print, same as H. R. 6788)

Section 9

The Act:

"This Act may be cited as the 'Watershed Protection and Flood Prevention Act.'"

Senate - Bills (S. 2549 - Committee Print):

"This Act may be cited as the 'Watershed Protection Act.'"

(H. R. 6788 - Committee Print, same as S. 2549, Committee Print)

Senate - Hearings (p. 41):

"Mr. TRIGGS. In view of the fact that this act will be discussed at many meetings and will be the subject of much correspondence, it would appear desirable from the standpoint of convenience and clarity to give it a name. Perhaps the name of 'Watershed Protection Act' would best describe the purposes of the bill."

Senate - Committee Report:

"Section 9, added by your committee, provides a short title, the 'Watershed Protection Act.'"

Conference Report - The Report:

"The conference changed the short title added by the Senate amendment to 'Watershed Protection and Flood Prevention Act.'"

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APPENDIX

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES RELATIVE
TO A PROGRAM DESIGNED TO CONSERVE AND IMPROVE THE
NATION'S NATURAL RESOURCES

(H. Doc. No. 221, 83d Cong., 1st sess.)

To the Congress of the United States:

In the stress of dealing with urgent problems of peace and security and budget appropriations and tax revenues, we sometimes overlook the fundamental importance to our national well-being of constructive, forward-looking policies designed to conserve and improve the Nation's natural renewable resources.

Before the Congress adjourns, therefore, I believe it will be useful to focus attention on some of our basic land and water resource problems and to point the way for constructive efforts to improve the management and use of these resources.

In my state of the Union message, I called attention to the vast importance to this Nation now and in the future of our soil and water, our forests and minerals, and our wildlife resources. I indicated the need for a strong Federal program in the field of resource development. At the same time I pointed to the necessity for a cooperative partnership of the States and local communities, private citizens, and the Federal Government in carrying out a sound natural-resources program.

In addition to the immediate danger of waste resulting from inadequate conservation measures, we must bear in mind the needs of a growing population and an expanding economy. At present we are faced with excess reserves of some agricultural commodities and the need for production adjustments to gear our agricultural economy to current demands. But in the long run, we shall need to give increased attention to the improvement and reclamation of land in its broadest aspects, including soil productivity, irrigation, drainage, and the replenishing of ground-water reserves, if we are adequately to feed and clothe our people, to provide gainful employment, and to continue to improve our standard of living.

Our basic problem is to carry forward the tradition of conservation, improvement, and wise use and development of our land and water resources -- a policy initiated 50 years ago under the leadership of President Theodore Roosevelt. To do this within the framework of a sound fiscal policy and in the light of defense needs will require the maximum cooperation among the States and local communities, farmers, businessmen, and other private citizens, and the Federal Government. It will require the development of clear guidelines to be established by the Congress as to the proper functions of the Federal Government. It will require the revitalization of renewable resources by users who should be entitled to reasonable assurances in connection with authorized uses. It will require adherence to sound principles for the financing and the sharing of the

cost of multiple-purpose land and water resources development. It will require improved Federal organization to accomplish a more logical division of responsibilities among the various Federal agencies in order that resource development programs may be carried on with the greatest efficiency and the least duplication. And it will require comprehensive river basin planning with the cooperation of State and local interests.

This administration is moving ahead in the formulation of sound organization and improved policies for the use of our soil, our public lands, and our water resources. I have requested, and the Congress has granted through Reorganization Plan No. 2, increased authority for the Secretary of Agriculture to improve the organization of the Department of Agriculture. I have recently established by Executive order a National Agricultural Advisory Commission. A review is being made of the basic power policies of the Federal Government in connection with multiple-purpose river basin development as it relates to private economic development. The Corps of Engineers is making a study of the basis for State and local financial participation in local flood-protection works. There are under detailed study various proposals for dealing with the complicated problems of overlapping and duplicative authority among the several resource-development agencies. And the Bureau of the Budget and the resource agencies are reviewing the present standards and procedures for evaluation and cost allocation of water resource development projects.

It is fortunate that today there is a growing recognition on the part of land users and the public generally of the need to strengthen conservation in our upstream watersheds and to minimize flood damage. Inadequate conservation measures and unsound land-use patterns vastly increase the danger of loss of valuable topsoil from wind erosion in time of subnormal rainfall and from water erosion in time of floods.

This should be done as an integral part of our total flood-control and water-use program. In our past efforts to better utilize our water resources, to control floods and to prevent loss of life and property, we have made large investments on the major waterways of the Nation. Yet we have tended to neglect the serious waste involved in the loss of topsoil from the Nation's farms and the clogging of our streams and channels which results from erosion on the upper reaches of the small streams and tributaries of the Nation's rivers.

It is important, too, for groups of farmers banded together in local organizations, such as soil-conservation districts and watershed associations, to take the initiative, with the technical advice and guidance of the appropriate Federal and State agencies in developing adequate plans for proper land use and resource improvement in watersheds throughout the Nation. As these plans are prepared and local agreement and cooperation are assured, I believe that we should move ahead in the construction of works of improvement and the installation of land-treatment measures as rapidly as possible consistent with a sound overall fiscal program.

As we move forward in a cooperative and coordinated soil and water conservation program, we must not overlook the essential role played by the Federal Government in the management of public lands. Approximately 50 percent of the land area of the Western States is owned and managed by a number of Federal agencies. The National Park Service administers parks and monuments having national significance. The Forest Service administers the national forests, with their valuable timberlands and grazing resources, and in cooperation with State and local interests protects critical watersheds. The Bureau of Reclamation and the Corps of Engineers manage lands in connection with water-resource projects built by these agencies. Fish and wildlife are protected by the Fish and Wildlife Service. The Bureau of Indian Affairs administers Indian lands, and the great public domain remaining is administered by the Bureau of Land Management.

The Federal Government has a responsibility to manage wisely those public lands and forests under its jurisdiction necessary in the interest of the public as a whole. Important values exist in these lands for forest and mineral products, grazing, fish, and wildlife, and for recreation. Moreover, it is imperative to the welfare of thousands of communities and millions of acres of irrigated land that such lands be managed to protect the water supply and water quality which come from them. In the utilization of these lands, the people are entitled to expect that their timber, minerals, streams and water supply, wildlife and recreational values should be safeguarded, improved and made available not only for this but for future generations. At the same time public lands should be made available for their best use under conditions that promote stability for communities and individuals and encourage full development of the resources involved.

While, as I have indicated, our major problem is to carry forward a tradition of improvement and conservation of our natural resources, the best means of achieving this objective depends on keeping up with changing conditions. For example, the problems of water-resource development in the West are undergoing considerable change. The pattern of western growth has broadened substantially in recent years. Industrial expansion has been extensive and varied. Increased activities in mineral and fuel processing have occurred. Urban expansion has been well above the national average in many communities. These developments have brought about strong competition for existing water supplies and have stimulated the need for a broader approach in planning new water resource developments. As a consequence, the Federal role in the cooperative development of these resources should now be reexamined in the interest of achieving a better balanced program for western growth.

Conserving and improving our land and water resources is high priority business for all of us. It is the purpose of this administration to present to the next session of the Congress suitable recommendations for achieving the objectives set forth in this message. I am confident that the studies of governmental organization and functions authorized by this

Congress can also make an important contribution to the solution of these problems. As the Congress moves ahead on a constructive legislative program in the resource field, it will have my full support and cooperation. We must build a balanced program for the use and development of all our natural resources. Such a program is indispensable to maintaining and improving our standard of living as we make the future secure for a growing America.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, July 31, 1953

LETTER FROM THE SECRETARY OF AGRICULTURE

August 5, 1953.

Hon. Clifford R. Hope,
Chairman, Committee on Agriculture,
House of Representatives.

Dear Mr. Hope: In response to your request, we are glad to submit our views on H. R. 6788, a bill to authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes.

The Department strongly endorses H. R. 6788 and recommends its enactment by the Congress.

The bill would authorize the Secretary of Agriculture to cooperate with and assist local organizations, including State governments and local agencies such as soil-conservation districts, conservancy districts, and flood-control districts, upon their request, to prepare and carry out plans in small watersheds for works of improvement in the field of flood prevention, and agricultural phases of the conservation, development, use and disposal of water.

The bill contains the sound principle of local initiative and responsibility. It would, we believe, encourage local participation in both planning and sharing of costs for the installation of works of improvement. The bill would provide a simple, workable, and economical mechanism for Federal cooperation with local people in achieving their objectives of land and water management in the small watersheds of the Nation. Its passage would constitute a clear-cut mandate from the Congress to this Department to move ahead with the program of assistance that is now being sought by scores of local organizations in every section of the country.

The type of assistance to be provided by the Federal Government, through the Department of Agriculture, would be in accord with principles previously established by the Congress for national programs administered by this Department. Under these principles, this Department extends technical services and financial aid to individuals, local agencies, and States in the field of land and water management, conservation, and utilization. The Department also administers the national forests and certain other public lands for watershed protection and other purposes.

The dominant purpose of watershed plans provided for by the bill would be flood prevention and water management. At the same time the bill provides adequate authority for integrating other related needs for the management of land and water resources. It does not provide authority for the acquisition of any land by the Federal Government. The bill provides for cooperative effort by States and local agencies and the Federal Government in a unified manner for the improvement of cropland, rangeland,

forest land and wildlife, and for the management of water within small watersheds. When they are component parts of a larger watershed that forms a logical planning unit, a number of these watersheds may be included in a single integrated plan.

Provision is made in the bill for obtaining the views of the Secretaries of the Interior and of the Army on plans which contain certain specific features.

Section 6 provides authority for the Department, coordinate with that of other Federal agencies, to make investigations and surveys in cooperation with other Federal and with State and local agencies. We believe that it is important for the Department to continue to have such authority in order that it can carry out its responsibilities in making comprehensive river basin investigations and other resource development surveys. This section would provide a legislative directive for this Department to make such investigations as may be necessary to evaluate the aggregate effect of watershed programs on flood flows and water supply in the main river valleys of the country, and to use this data in its own planning and to provide such data to other agencies for developing projects on rivers and other waterways.

On enactment of the provisions contained in sections 1 through 6 of the bill, the Department would no longer need the authority conferred by the act of June 22, 1936, as amended and supplemented, except with respect to the works of improvement for runoff and waterflow retardation and soil-erosion prevention authorized to be carried out by the Department by the act of December 12, 1944, as amended. We, therefore, have no objection to section 7 which, with the above-mentioned exception, would concurrently repeal the provisions of the act of June 22, 1936, relating to the Department of Agriculture.

We note that the bill would lodge responsibility in the Secretary for carrying out its provisions. This authority provides sufficient flexibility to permit the assignment of agency responsibilities so as to carry out the provisions of the bill with the greatest effectiveness. To accomplish this objective, it is my intention to use primarily the Soil Conservation Service and the Forest Service.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. T. BENSON, Secretary.

LETTER FROM THE ACTING DIRECTOR, BUREAU OF THE BUDGET

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., August 31, 1953.

Hon. Clifford R. Hope,
Chairman, Committee on Agriculture,
House of Representatives, Washington 25, D. C.

My Dear Mr. Chairman: This is in response to your request for the views of the Bureau of the Budget on H. R. 6788, a bill to authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes.

This bill is similar to H. R. 4877, on which the views of the Department of the Army and the Department of the Interior, as well as the Department of Agriculture, were obtained by the Bureau of the Budget. It would repeal the present authority of the Department of Agriculture under the Flood Control Act of 1936, as amended and supplemented, to make preliminary examinations and surveys to construct works of improvement for waterflow retardation and soil-erosion prevention. It would enact new and broader authority for the Department to carry on upstream watershed-conservation and flood-prevention work. The Secretary of Agriculture would be authorized to make investigations and surveys and to enter into agreements with States and local organizations to furnish financial and other aid in the construction of works of improvement "for flood prevention, including structural and land-treatment measures, and agricultural phases of the conservation, development, utilization, and disposal of water in watershed or subwatershed areas."

Although formal reports have not yet been received from the Departments of the Army and Interior on H. R. 6788, the Bureau, on the basis of its own analysis, believes that the revised bill meets many of the objections which were raised in connection with H. R. 4877.

Section 2 of the bill limits works of improvement to structures and measures in "watershed or subwatershed areas not exceeding 520,000 acres and not including any single structure which provides more than five thousand acre-feet of total capacity." This provision would restrict the authority of the Secretary of Agriculture to small structures and land-treatment measures in the upstream areas of the Nation's watersheds and would not conflict with the authority of the Secretary of the Army and the Corps of Engineers to build flood-control and related structures on the major river channels.

Section 4 of the bill specifies "That no part of the construction cost for providing any capacity in structures for purposes other than flood prevention and features related thereto shall be borne by the Federal Government under the provisions of this Act." This provision, coupled with limitations on the size of structures, would prevent overlapping with the authority of the Bureau of Reclamation in the Department

of the Interior to undertake irrigation projects. While the Secretary of Agriculture would have authority to cooperate with State and local groups in building small structures in upstream areas which might serve multiple purposes, the Federal Government under this bill would not be permitted to bear any of the costs of structures and features related thereto for other than flood-prevention purposes. Costs allocated to other purposes such as irrigation or water supply would be borne entirely by State, local, and private interests.

Section 5 provides "That, before such installation involving Federal assistance is commenced, the Secretary shall transmit a copy of the plan and justification therefor to the Congress through the President." This procedure would help to reduce the heavy legislative burden on the Congress by avoiding the necessity for separate authorization of each individual small project. The Congress would retain control of the level of the program through annual appropriations, and proposed projects would be reviewed by the Executive Office of the President under Executive Order 9384.

In his message of July 31, 1953, the President indicated the need for strengthening soil-conservation and upstream flood-prevention programs. He emphasized the necessity for cooperation of the States and local communities, private citizens, and the Federal Government in carrying out a sound conservation and watershed-protection program. In our judgment the purposes of H. R. 6788 would be consistent with the view of the President that "We should move ahead in the construction of works of improvement and the installation of land-treatment measures as rapidly as possible consistent with a sound overall fiscal program."

Therefore, the Bureau of the Budget recommends favorable consideration of H. R. 6788 by your committee.

Sincerely yours,

ROWLAND HUGHES, Acting Director.

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON

June 1, 1954

Honorable George D. Aiken
Chairman, Committee on
Agriculture and Forestry
United States Senate

Dear Senator Aiken:

The Department of Agriculture has given careful consideration to the bill, H. R. 6788, An Act "To authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes" as reported by your subcommittee.

On May 5, 1954, Director Rowland Hughes wrote to the Secretary of Agriculture transmitting recommendations on specific amendments in a marked copy of H. R. 6788 as it was approved by the House of Representatives. Copies of this were placed in your hands as requested by Mr. Hughes with the advice that the President recommends the incorporation of such amendments. The Department of Agriculture supports the President's position on these amendments.

The following comments apply to the amendments shown in the Committee Print dated May 22, 1954:

The Department feels that the amendment to Sec. 3 (3) beginning on line 22, page 3, and ending on line 6, page 4, would be undesirable. The effect of this amendment would be to establish a new basis for cost-sharing in resource development projects that would apply only to structures installed under the authority of this bill. It would establish a formula for cost-sharing different than the provisions of the Reclamation Laws, and the Flood Control Acts and other existing acts applicable to this Department, including those authorizing present watershed operations. This amendment would be inconsistent with Sec. 4 (2) which provides that local organizations shall "assume such proportionate share of the cost of installing any works of improvement involving Federal assistance as may be determined by the Secretary to be equitable in consideration of anticipated benefits from such improvements." The rigid standard imposed would result in inequitable and unfair treatment of local landowners and communities in those cases where benefits accruing to them from specific structures were substantially less than 50 percent of the total benefits from such structures. Experience of this Department has indicated that, in numerous cases, more than 50 percent of the benefits from specific structures will

accrue downstream from and outside of the project area represented by sponsoring organizations. In many cases these benefits will accrue to Federal and other public investments by prevention of silting in major downstream reservoirs and protection of other main stream improvements.

The Department also feels that the amendment to Sec. 5, lines 2 to 7, page 6, would be undesirable. The effect of this amendment would be to prohibit the Department of Agriculture from installing any structures by either contract or force account. Your attention is called to the recommendation of the President relating to this point as set forth in a letter from the Director of the Bureau of the Budget dated May 5, 1954, to the Secretary of Agriculture, which provides for utilizing local organizations to the fullest practicable extent in preparing and letting contracts for construction of works of improvement. In many States local districts and other organizations with which the Department might cooperate in carrying out the purposes of this bill do not now have adequate authority under State laws to enter into contracts for the installation of the types of structures that would be authorized by the bill. This fact would seriously retard the program from being carried out in such States.

The Department further feels that the amendment to Sec. 5, beginning on line 9, page 7, and ending on line 2, page 8, would be undesirable. Your attention is directed to the fact that this amendment is in direct conflict with the provisions of the succeeding amendment recommended by the President and contained in lines 3 to 9, page 8, in which the President is required to issue such rules and regulations as he deems necessary for the purpose of coordinating the work to be undertaken by this Department under the proposed legislation.

The Department recommends that the Committee Print be amended in accord with the views expressed above.

We are advised by the Bureau of the Budget that if the bill is amended in accordance with the recommendations expressed in this report, enactment of H. R. 6788 would be in accord with the program of the President.

Sincerely yours,

J. EARL COKE

J. Earl Coke
Assistant Secretary

AUGUST 17, 1954

JAMES C. HAGERTY, PRESS SECRETARY TO THE PRESIDENT

THE WHITE HOUSESTATEMENT BY THE PRESIDENT

I am happy today to sign into law the amendment to the Water Facilities Act.

This is one of three legislative actions taken by the 83rd Congress which give important new strength to our national efforts to conserve the vital water and soil resources of the United States. This legislation is of high significance in the movement which came to life fifty years ago when Theodore Roosevelt gave new meaning to the word "conservation."

This legislation is significant because it gives new stimulus to local initiative and establishes for the first time a nation-wide program of conservation practices based on the concept that farms, streams, forests, and towns are all inter-related parts of a watershed. It recognizes in practical terms that the upstream part of the watershed, as well as the downstream part, must be taken into our plans if we are to have the water we vitally need and if we are to solve with maximum effectiveness three of our most challenging problems -- soil erosion, floods and drought.

The first of these bills is the Watershed Protection and Flood Prevention Act. This Act recognizes by law for the first time the great importance of upstream watershed protection in our over-all water resource policy. For the first time also, this Act provides a broad program of Federal technical and financial assistance to such local watershed groups as are willing to assume responsibility for initiating, carrying out, and sharing the costs of watershed protection which will help conserve water for agricultural uses and supplement any needed downstream flood control measures.

The second bill amends the Water Facilities Act. Formerly limited to the 17 Western states, the program established by this Act makes available, throughout the entire nation, loans for developing agricultural water improvements on farms and ranches. In addition, this law establishes a program of direct or insured loans for drainage facilities, reforestation, and other water and soil conservation measures. Farmers and ranchers frequently need credit to take care of the initial investments required in establishing conservation systems, or to tide them over an adjustment period while they shift to a better and, in the long run, more profitable type of land use. These new credit provisions, specially geared to conservation needs, provide a significant means of encouraging and advancing soil and water conservation.

The third legislative action is part of the Congressional revision of the internal revenue laws. It allows farmers and ranchers to treat expenditures for a number of soil conservation measures as current annual expenses which may be deducted from farm income in computing income taxes. This Act therefore gives farmers new

tax advantages on these land improvement measures. Not only will these advantages benefit the farmer financially; they will also add incentive to the application of soil and water conservation measures.

These three bills rest on several sound principles.

First, we recognize that it is absolutely urgent to conserve and improve our water resources. For water is essential to every part of our life, and in quantities that are usually unsuspected. It takes 18 barrels of water, for example, to refine a barrel of oil. It takes 85,000 gallons to produce a ton of rubber. It takes something like 800,000 gallons of water to mature an acre of cotton. It takes some 1,300 gallons of water each day to supply the direct and indirect needs of each one of our citizens. As our population increases, so will these demands.

Even these statistics do not drive home the urgency of adequate water supplies nearly so well as the personal experiences many Americans have had this very summer -- of insufficient water for crops and livestock, of failing wells, of restrictions on use of water in towns. Some of our cities have had to seek means of supplementing their failing or depleted reservoirs. Some have had to haul water from nearby streams. In rural areas, there has been a growing call for water for irrigation. These facts add up to a hard warning: we cannot afford to waste water.

Any attempt to conserve this water should take into account a key fact: that this all-important water -- the water we use on our farms, in our homes, in our businesses, or in our factories -- has been collected from all the lands of the watershed, beginning at its uppermost limits. Our streams, our deep wells, our storage reservoirs are merely accumulations of water that has fallen on the land in the form of rain or snow. Some of it runs off in creeks and rivers. Some of it evaporates. Some soaks in to nourish crops and trees. Some finds its way into springs or into the sands we tap with our wells. How much water runs off, and how fast, and how much soaks in to feed crops and springs -- these quantities depend in large measure on what kind of land it falls on, what this land is used for, and what kind of cover -- trees, grass -- the land has.

For this reason our water management programs must not go to work only in large streams or rivers, though the flood control and other measures there are of enormous importance. Our programs to conserve water must begin where the raindrop falls. And because of the extensive erosion and sedimentation damage which result from floods in headwater streams and small tributaries, and also because these parts of the watershed have up to now been relatively neglected in conservation planning, these programs must put new emphasis on their management.

Under the Watershed Protection and Flood Prevention Act, sound soil conservation plans will be developed to establish the right use for each kind of soil on all the farms of a watershed. Soil conservation will be supplemented where necessary with small detention dams, channel improvements, or other measures to protect the fertile bottom land along these small streams.

These measures will be of pronounced benefit to agriculture. More and more American farmers are coming to realize that good land use and land treatment can help them to conserve water as well as soil. They are seeing the advantages of inducing as much water as possible to soak into the ground where it falls -- water which

will help grow crops and help recharge underground water supplies that are tapped by farms and by cities and industries. Thus an accelerated soil conservation and watershed program will also benefit urban centers by helping to keep sediment from cutting down the storage capacity of our large city reservoirs. It will reduce the amount of silt that has to be filtered from water before it can be used by city water systems or by industry. And it will help lessen the damage caused by drought and thus help stabilize areas where this hazard has been unusually severe.

Another significant contribution of the watershed legislation is that it gives new force and emphasis to local leadership. Its programs are not Federal work projects; no new agencies will have to be created to carry them out. These programs will be planned only at the instance of local people. They will be planned with the cooperation and participation of local and State governments. They will be initiated only when local people have demonstrated their willingness and ability to share equitably in the cost and to assume responsibility for direction and maintenance of the work.

The watershed and water development programs will also encourage a new and improved means of local-State-Federal teamwork. Locally, rural and urban interests must join forces in sponsoring and contributing to the programs -- contributing the funds, labor, materials, lands, easements, and other needs that can best be supplied by local organizations. State and county governments are also involved. Floodwater retarding dams, sediment control structures, channel stabilization measures and the like, on the tributary streams, represent measures which individuals cannot be expected to install by themselves, and which may properly require state or even federal aid because their benefits extend beyond the local community. The Federal Government also has a major role in providing technical, research, financial, and educational assistance.

To do this work, all levels of government and private endeavor must cooperate. And there will be a call for increased effort in the future. Because our population is growing rapidly, the demands upon the nation's soil and water resources are bound to become heavier in the years ahead. But we do have the resources to match this growth if we manage them wisely. In the long run, it is absolutely vital to the welfare of farm and urban people, and to the strength of the entire nation, that we work soundly and vigorously to protect and develop our nation's vital water supplies and the related resources of farm land, range, and timber. In such a matter of national interest, we must act with effectiveness. These three measures show that we have so acted.

83d Congress
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COMMITTEE PRINT

WATERSHED CONSERVATION AND FLOOD PREVENTION

A Discussion of the Watershed Protection and
Flood Prevention Act with Questions and Answers
Pertaining to the New Program

August 25, 1954

The following discussion of the Watershed Protection and Flood Prevention Act with questions and answers pertaining to the new program was prepared by the Soil Conservation Service of the Department of Agriculture at the request of the Committee on Agriculture.

CLIFFORD R. HOPE
Chairman

Questions and Answers on the
Watershed Protection and Flood Prevention Act
(Public Law 566, 83d Cong., ch. 656, 2d sess.)

The Hope-Aiken Watershed Protection and Flood Prevention Act was passed to help meet the needs of local people who are faced with small watershed problems. The act:

1. Places responsibility in local organizations to initiate programs, adapt plans to local requirements, share in the costs, and make provisions for the plan's application and maintenance.
2. Gives farmers a specific means to get United States Department of Agriculture technical help to work out watershed-treatment plans.
3. Provides for Federal cost sharing on small waterflow-retarding dams and other flood-prevention and water-management measures.
4. Gives the Secretary of Agriculture new opportunities to serve local small watershed groups.

In connection with his approval of the bill, President Dwight D. Eisenhower stated:

The act recognizes by law for the first time the great importance of upstream watershed protection in our overall water resource policy. For the first time also, this act provides a broad program of Federal technical and financial assistance to such local watershed groups as are willing to assume responsibility for initiating, carrying out, and sharing the costs of watershed protection which will help conserve water for agricultural uses and supplement any needed downstream flood-control measures.

The House Committee on Agriculture publishes the following questions and answers to help meet the demand for preliminary information relating to the act and its practical application.

Purpose

1. Q. What is the act's primary objective?
A. To provide the basis for a program by which local groups can cooperate with and receive assistance from the Federal Government in solving their flood-prevention and water-management problems.
2. Q. Does the act provide the Secretary of Agriculture with additional opportunities to serve local watershed groups?
A. Yes. It authorizes him to cooperate with States and local agencies in carrying out jointly planned and mutually agreed on flood-prevention and water-management projects.
3. Q. What are the guiding principles in extending Federal help under the act?
A. Local people are expected to bear at least an equitable share of the cost and to ask the Secretary of Agriculture only to supplement their resources by supplying that additional part which is necessary to make the project possible but which cannot be provided from resources available in the watershed and the State. The greater the share of the cost that local people assume, the better their opportunity to receive the assistance they need to carry through the project.
4. Q. Does this legislation duplicate or overlap other national conservation programs?
A. No. Federal help under the act is available only to assist local organizations to plan and install needed water-management and flood-prevention measures that cannot feasibly be installed under other current Federal conservation programs.

Definitions

5. Q. What is a watershed under the act?
A. All land and water within a natural drainage area of 250,000 acres or less.
6. Q. What are "works of improvement" under the act?
A. Any undertaking for:
(1) Flood prevention (including structural and land-treatment measures) or
(2) Agricultural phases of the conservation, development, utilization, and disposal of water (including measures for irrigation and drainage).
7. Q. What is a watershed work plan?
A. It is a plan for works of improvement referred to in the act.
8. Q. How does the act define "local organization"?
A. " * * * Any State, political subdivision thereof, soil- or water-conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain, and operate works of improvement."

Federal assistance

9. Q. What kinds of Federal assistance are authorized under the act?
A. Technical help in working out and applying a watershed "work plan," and determining its feasibility; also funds for the equitable Federal share of the costs of installing the needed flood-prevention and water-management measures. Storage capacity for other than flood prevention must be paid for from non-Federal funds.

10. Q. What about any public lands involved?

A. Works of improvement will be planned for all lands within a watershed regardless of ownership. Where structural measures benefiting private lands are installed on Federal lands, the Federal share of the construction cost will be determined on the same basis as if such improvements were installed on private lands. The Federal Government will bear the entire cost of all land-treatment measures on Federal lands.

Limitations

11. Q. What is the maximum size watershed that can be treated under the act's provisions?

A. The watershed must not exceed 250,000 acres. Two or more adjacent watersheds, when they comprise parts of a larger watershed, may be planned together, if the local sponsoring organizations so desire, even though the combined area exceeds 250,000 acres.

12. Q. What size structures can be built?

A. Single structures are limited to a total storage capacity of 5,000 acre-feet. Watershed work plans including any structure of more than 2,500 acre-feet total capacity must be approved by the House and Senate Agriculture Committees before appropriations may be made for the project. Watershed work plans which do not include any structure of more than 2,500 acre-feet total capacity do not require such approval.

13. Q. What about irrigation or drainage works?

A. Assistance will be restricted to irrigation and drainage facilities which benefit more than a single farm and which can be planned and carried out as a part of a watershed project. Priority will be given for increasing the efficiency of land use of existing farms. Irrigation or drainage of land not previously or now used for farming shall be incidental and not a primary purpose of any assistance so provided. Storage capacity specifically for water for irrigation must be paid for from non-Federal funds.

14. Q. What about municipal water supply?

A. Storage for municipal water supplies may be included as part of the watershed work plan, but structural costs above those necessary for flood prevention must be paid from non-Federal funds.

15. Q. What about recreation?

A. Many opportunities for recreation developments will arise incidental to the works of improvement. But the costs of developing of recreational facilities must be borne by non-Federal sources.

16. Q. Must projects be completed within a specified time?

A. The installation time will be set forth in the work plan, as agreed upon by the local organization. The objective will be to complete projects in 5 years or less, subject to the availability of funds.

Procedures

17. Q. How would any local organization, such as a soil-conservation district, initiate action under the act?

A. Formal application blanks and suggestions for filling them out will be available in each State through offices of the Soil Conservation Service, Federal and State Forest Services, Extension Service, and the State agency

designated by the Governor to act on applications. The local organization would simultaneously submit an application for planning assistance to the Governor or State agency designated by him and to the State office of the Soil Conservation Service.

18. Q. At what stage do the Soil Conservation Service and the Forest Service begin to assist the local organization in developing a watershed work plan?
- A. After the Soil Conservation Service, acting for the Secretary, has approved the project for planning. This approval can be given only after approval of the local organization's application by the authorized State agency or Governor, or after 45 days if no action is taken on the application by the State agency or Governor.
19. Q. What happens if the Governor or his authorized agency turns down the local organization's application?
- A. The Department of Agriculture will halt activity.
20. Q. When the kinds, quantities, and costs of needed works of improvement have been agreed on by the local organizations and the Department of Agriculture, what is the next move?
- A. The local organizations and the Secretary of Agriculture then must agree on the work plan which sets forth the shares of the costs that will be met from non-Federal and Federal sources.
21. Q. If a satisfactory watershed work plan is developed, what is the next step?
- A. The plan is transmitted to the Administrator of the Soil Conservation Service, acting for the Secretary of Agriculture. A period of up to 60 days is then provided to the Secretaries of the Army and Interior, if they are concerned, in which to review and comment on the plan. The Secretary of Agriculture then forwards the plan to the Congress, through the President, together with any recommendations of those agencies. Forty-five days during which the Congress is in session must then elapse before any installations involving Federal assistance are begun. In addition, as noted in the answer to question No. 12 above, if the plan includes any structures larger than 2,500 acre-feet total capacity, it must be approved by the House and Senate Agriculture Committees before appropriations can be made.
22. Q. How will Federal money become available for work authorized under the act?
- A. By appropriation. A supplemental appropriation of \$1,750,000 was made for the fiscal year 1955 to initiate planning and other work.

Local participation

23. Q. What about the needs and interests of people who live in the watershed?
- A. They initiate action. They participate in the development of the watershed work plan. They have the responsibility for seeing that the recommended program is in conformance with their wishes.
24. Q. What minimum requirements must local people meet?
- A. They must acquire necessary land, easements, or rights-of-way; assume an equitable share of the project's cost; arrange for operation and maintenance; acquire necessary water rights; and get agreements from owners of not less than half of the lands in drainage areas above dams to carry out soil conservation programs.

Feasibility

25. Q. How will economic soundness of projects be determined?
A. Department of Agriculture agencies will use recognized techniques in making necessary studies to determine the costs and benefits of each proposed project to establish its economic soundness.
26. Q. How will the findings of such studies be applied?
A. The findings will establish the nature and extent of local and other benefits and afford a means for determining an equitable sharing of costs between non-Federal and Federal sources of funds.

Contracting works of improvement

27. Q. Who will contract for the construction of dams?
A. The act gives the Secretary of Agriculture authority to contract for the construction of dams until July 1, 1956, in those States in which local organizations do not have authority to enter into such contracts. In States where local organizations have such authority they will, from the start, contract for necessary dams.
28. Q. Do the present State laws authorize soil-conservation districts or other local organizations to contract for dams to be built under this act?
A. Since State soil-conservation district enabling acts vary, State attorneys general will have to provide specific answers to this question. Some States apparently will need to pass new enabling legislation or to amend existing legislation in order to facilitate work under the act.
29. Q. What requirements and procedures will apply to contracting by local organizations?
A. (1) The local organization must have adequate facilities for arranging for, letting, and servicing construction contracts.
(2) The local organization must have legal authority to act as the contracting agency.
(3) In choice of contractors, the local organization will use the same basis for bid acceptance as the Department of Agriculture.
(4) Federal funds will be used only for payments for installation of works of improvement.
(5) All work must be done in accordance with plans and specifications approved by the Department of Agriculture as set forth in the contract. This will include all changes made in the contract during construction. Payment will not be made for any unauthorized work or work done outside the terms of the approved contract.
(6) The Department of Agriculture will be responsible for on-the-job inspection.

The watershed work plan

30. Q. What features will the watershed work plan include?
A. In addition to the plan for treating the watershed, it will include a schedule of operations, the cost, cost-sharing arrangements, and justification for establishing and maintaining the measures needed for the protection and improvement of the watershed.

31. Q. What are some of the primary purposes of the watershed work plan?

A. To inform the President, the Congress, and the public of the needs and desires of the local people and of the plans of the Department of Agriculture to expend Federal funds on the watershed project. Also to justify such expenditures in accordance with national authorities, policies, and regulations. The work plan is the official document upon which approval of expenditure of funds is based. It records the responsibilities agreed to by the local organization for carrying out and operating and maintaining a complete program of watershed protection and improvement within a given period.

Synopsis of the
Watershed Protection and Flood Prevention Act
Public Law 566 - 83d Congress
Chapter 656 - 2d Session
H. R. 6788

An act to authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes.

Section 1 states that it is the policy of the Congress that the Federal Government should cooperate with local public agencies to prevent erosion, floodwater and sediment damages and further the conservation, development, utilization and disposal of water.

Section 2 defines the terms "Secretary," "works of improvement," and "local organization." It limits the total capacity of any single structure to 5000 acre-feet, but specifies that no appropriation shall be made for any structure in excess of 2500 acre-feet of total capacity unless the plan has been approved by resolutions adopted by the Senate and House agricultural committees.

Section 3 provides that local organizations desiring aid in planning and installing works of improvement shall make application for such aid to the Secretary, but that such applications must first be submitted to, and not disapproved within 45 days by, the State agency having jurisdiction over the programs provided for in this Act, or by the Governor if there is no such State agency. Upon receipt of such applications the Secretary is authorized to (1) conduct investigations and surveys necessary for the preparation of plans for works of improvement, (2) make studies to determine the economic soundness of such plans, including a determination as to whether benefits exceed costs, (3) cooperate and enter into agreements with and provide financial and other assistance to local organizations, except that for land-treatment measures the rate of assistance shall not exceed that given for similar practices under existing national programs, and (4) obtain the cooperation and assistance of other Federal agencies.

Section 4 provides that before receiving assistance for installation local organizations shall (1) acquire without cost to the Federal Government all land, easements and rights-of-way needed, (2) assume an equitable share of the cost of installing works of improvement as determined by the Secretary, except that the Federal Government is not authorized to pay any part of the construction costs for providing any capacity in structures for purposes other than flood prevention, (3) make arrangements satisfactory to the Secretary, in accordance with established regulations, for operating and maintaining the works of improvement, (4) acquire any necessary water rights pursuant to State law, and (5) obtain soil conservation agreements from 50 percent of the farmers in the drainage area above each retention reservoir.

Section 5 provides that after the Secretary and the local organization have agreed on a plan for works of improvement and the Secretary has determined that the benefits exceed the costs, and all requirements of section 4 have been met, the Secretary may participate in carrying out the plan but may not, himself, engage in the construction of any structure on non-Federal land unless no authorized State agency exists, and in no event after July 1, 1956. In rendering assistance the Secretary should, insofar as practicable and feasible, utilize the authority of this Act.

The Secretary shall transmit the plan to the Congress through the President at least 45 days during any regular or special sessions of the Congress before operations thereunder are begun. Plans which involve reclamation or irrigation works or which affect lands under the jurisdiction of the Department of the Interior or which include floodwater detention structures shall be submitted to the Secretary of the Interior or the Army, respectively, for his views at least 60 days prior to transmission to Congress. Any such views shall accompany the plan when transmitted. Federal participation in works of improvement may not begin until the President has issued such regulations as he deems necessary to carry out the purposes of the Act and assure coordination of the work of all the agencies concerned.

Section 6 gives the Secretary authority to cooperate with Federal, State and local agencies to make surveys of watersheds as a basis for the development of coordinated programs. The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in planning and developing programs affecting lands under Interior jurisdiction.

Section 7 repeals the provisions of the Flood Control Act of 1936 applicable to the Department of Agriculture, except that it retains authority in the Secretary to carry on projects authorized by the act of December 22, 1944, and to undertake emergency flood control measures under section 7 of the act of June 28, 1938, as amended by section 211 of the act of May 17, 1950.

Section 8 authorizes appropriation of necessary sums, such sums to remain available until expended.

Section 9 provides a short title to the Act.

